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EDITED BY THE FACULTY OF POLITICAL SCIENCE
OF COLUMBIA UNIVERSITY

Volume XCII] [Whole Number 209

# WILLIAM SHIRLEY

## Governor of Massachusetts, 1741–1756

## A HISTORY

Volume I

BY

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New York
COLUMBIA UNIVERSITY
LONGMANS, GREEN & CO., AGENTS
LONDON: P. S. KING & SON, LTD.
1920

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To

MY WIFE

MY INSPIRATION TO PERSEVERANCE IN EFFORT AND
MY LOYAL AND EFFICIENT CO-WORKER

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# PREFACE

PARADOXICALLY, Governor William Shirley has enjoyed the reputation of something approximating if not actually exemplifying greatness, while the history of his time has been regarded as one of monotony and heaviness relieved by occasional dramatic incidents which stood out in higher relief because of the obscurity in which a gray twilight has enveloped their background. The judgment has been generally expressed that the period of colonial history within which Shirley's career falls, that lying between the English Revolution and the events just before the American Revolution, is without great intrinsic significance. Recently, however, a considerable number of monographs have been written dealing with matters falling within this period and the time is perhaps approaching when the darkness in which it has been shrouded will be dissipated. Meanwhile the writer ventures the judgment that it is not a gulf separating significant periods of history, not a no man's land in which the historical student is likely to happen upon disaster, but a field whose essential significance is likely to receive an increased recognition with the passage of time. Without intensive study of it a proper evaluation cannot be made of the merits of the imperial policies of England under the house of Orange and the early Hanoverians nor of the reactions of the colonists to those policies which ultimately led to the American Revolution.

The present study was undertaken without other plan

than to place a colonial administrator in his proper setting. As the material for the work was collected it became apparent that Shirley was more truly an imperial than a colonial figure, despite geographic limitations. This fact made necessary an attempt to present an imperial background. It also furnished the guide to the method of treatment. This has been directed toward the production of a picture of colonial problems in a process of evolution in an imperial setting; necessarily often partial and even fragmentary in scope but dealing with parts which found their unity in political, economic and social forces which bound together two hemispheres, making the Atlantic something more than an English lake. Along with this unity, representing the established and the "usual" in the English imperial system, there is a lesser unity, that of the Americans standing for a polity made up of elements some of which were wholly English and unchallenged at home and others rather *de facto* than regular and accepted. The latter, including those elements which the home government did not seriously attempt to regulate and those which they failed in the effort to control, make up the stream of forces which should prove most significant to the student of the causes of the American Revolution.

It is perhaps needless to say that while Shirley has proved a very interesting personality he has been of the greatest service to my work by his connection with so wide a range of activities and in such significant ways that his public life included some of the most important phases of the history of his times.

The period of Shirley's active career covered by this volume is that from 1731 to 1749, the first decade spent as a lawyer and much of it as advocate-general of the court of vice-admiralty for the northern district, and the later period as governor of Massachusetts. In each period his

activity and influence were much more extensive than the offices held would suggest.

For my introduction to Shirley I am indebted to the late Professor Herbert L. Osgood of Columbia University. It was also my privilege to collect considerable of my material in Boston under his general supervision and to sit at his side in the Public Record Office in London where he shared with me the use of the fresh proof-sheets of volume II of Professor Charles M. Andrews' guide to the materials for American history in that depository. The work of composition had been begun but had not been carried far enough to receive the criticism which Professor Osgood was so richly equipped to give before his last sacrifice on behalf of historical scholarship had been made.

Professor William A. Dunning of Columbia University has given very valuable assistance and counsel in the preparation of the manuscript for the press. I am deeply indebted to Professor Henry R. Spencer of Ohio State University for his many very helpful suggestions for the improvement of the manuscript. Professor Arthur M. Schlesinger, of the State University of Iowa, Professor Charles C. Huntington of Ohio State University and Professor Elmer B. Russell, of the University of Nebraska, have each read portions of the earlier chapters of the volume, making valuable suggestions, chiefly as to form. The last also very kindly placed in my hands references to Shirley material in the Public Record Office which had come to his notice there while investigating another subject.

The extent to which I am indebted to the first of the two volumes of Shirley correspondence edited by Mr. Lincoln appears from the frequent references to its contents.

This study would not have been possible along the lines which have been followed without the light thrown upon almost all questions of importance by unpublished documents

in the Public Record Office. Great assistance has also been received from manuscript material in the Massachusetts Archives, in the early court records of Massachusetts, and in several other collections listed in the bibliographical note at the end of the volume.

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OHIO STATE UNIVERSITY,
FEBRUARY 23, 1920.

# CHAPTER I

## Lares and Penates

Ample records which reverent historians of the Shirley family have patiently collected make it obvious that the governor was a gentleman connected by blood with many noble families, among whose members were some even of royal descent.[1] These aristocratic connections, however,

[1] The family emerges from the mists of tradition in the person of one Saswalo or Sewallis de Eatingdon, who rouses interest by possessing large estates in four different counties just after the conquest of England by William the Norman. After two generations the head of the house of Sewallis chose to call himself by the surname Shirley, after one of his estates in Derbyshire, and from this time forth (save for a lapse of a generation) the family was known under the Shirley name.

Later Shirleys acquired through marriage Wiston and Preston in Sussex which were the chief manors of the younger line from which the future governor sprang. The alliances of the Shirleys with numerous noble families, in addition to bringing considerable landed estates to them, also gave them an enviable social position in the England of that day. Although the governor's line was a younger one it shared in the importance arising from alliances of elder lines, with the royal Plantagenet line of England through the earls of Essex, with those of the dukes of Buckingham, Norfolk and Rutland, and with those of the earls of Bath and Northampton. The governor's own line, in a much more modest way, acquired local importance in Sussex by intermarriage with neighboring nobility, among whom was included a descendant, five generations removed, of Llewellyn, Prince of Wales. An ancestor of Governor Shirley, of the same generation as Llewellyn, was the father-in-law of Thomas de la Warr, governor of Virginia in 1609.

References for this note will be found in: Shirley, *Stemmata Shirleiana* (Westminster, 1841), pp. 2-247, *passim*; Burke, *A Genealogical and Heraldic History of the Landed Gentry of Great Britain* (London, 1914), p. 1708; *The Victoria History of the Counties of England, Warwickshire* (London, 1904), vol. i, pp. 281-282, 327; *Ancestor*, 1902, no. 3, pp. 214-218; Shirley, *Lower Eatington* (London, 1869), pp. 6-22; Collins, *Peerage of England* (London, 1779), vol. i, pp. 267-278.

were auxiliary to native ability and intense application in bringing to Shirley distinction in life, for without the latter qualifications it is not conceivable that he would ever have risen to high station. In an age in which the normal grounds for political preferment ranged from personal friendship to bribery or treason, a career of large accomplishment, based primarily upon merit, was distinctly unusual.

Governor Shirley's political fortunes seem to have been nourished, aside from his record as a public servant, largely by the fruits of alliances contracted by his own branch of the family (that in Sussex) within four generations of his own times.[1] More especially, it is apparent that the alliances and succeeding intimacy between the Sussex Shirleys and the Pelhams constituted a vital factor in the friendly environment in which Shirley won success. In truth an essential fact in Shirley's career as a public man was his success in securing from Thomas Pelham-Holles, Duke of Newcastle,

[1] The Pelhams, with whom the Shirleys were connected by marriage, while possessed of large estates in many parts of England, were primarily a Sussex family. Thomas Pelham-Holles, the Duke of Newcastle, who became Shirley's patron, had his seat there. Shirley's ancestors were related to those of the duke, and other alliances between the Pelhams and the Sussex branch of the Shirley family had been formed within four generations of the governor's time. The great-grandfather of the duke married a Shirley and there is evidence of great intimacy between the families during the lifetime of this ancestor.

Second only to the alliances with the Pelhams in importance were those of the Shirleys with the Onslows. Their connection with this family was even closer than with the Pelhams. The chief representative of the Onslow family in Shirley's day was Arthur Onslow, Esquire, Speaker of the House of Commons. His ancestor, fourth removed in the direct male line, had married Isabel Shirley of Preston, apparently of the governor's line.

The above facts relating to the connection between the Shirleys and the Pelhams and Onslows will be found in Collins, *op. cit.*, vol. vii, pp. 242-252, and vol. viii, pp. 122-134. *Cf.* also, *British Historical Manuscripts Commission Report* (London, 1874-1917), vol. xiv, appendix ix, p. 476.

his potent backing.[1] This raised him, though somewhat tardily, to an official eminence ensuring a sufficient field of activity for an able and ambitious man, and maintained him in it until he had impressed his personality upon affairs of large import.

No especial lustre, however, attended the entrance of the future governor into this world. As the descendant of members of a younger line, he found the effect of earlier advantageous marriages upon the fortunes of his ancestors almost completely neutralized. The lowest ebb of material well-being was perhaps reached by his paternal grandfather, an apparently landless younger son. His father, William Shirley, presumably retrieved the situation somewhat by becoming a merchant of London. He also established his own status (and that of his son) as a country gentleman, by marrying the heiress of Ote Hall, Wivelsfield, Sussex.[2] It was to such moderate prospects as these that William Shirley was born at Preston in Sussex in 1694, and even these became less flattering with the death of his father only seven years later.[3]

The future governor, however, received a liberal education. He studied first at Cambridge and then was bred to the law at the Inner Temple.[4] Seven years were spent at

[1] Shirley, in addition to a personal acquaintance with the duke, also had prominent friends who were on free terms with him and well acquainted with the whole Pelham family. *Massachusetts Historical Society Collections*, sixth series, vols. vi and vii, *Belcher Papers*, (Boston, 1893-1894), pt. ii, pp. 154, 525; *The Correspondence of William Shirley* (Lincoln, ed., New York, 1912), vol. i, p. 10.

[2] This estate, which later fell to the governor, was apparently not extensive. *Cf. Publications of the Colonial Society of Massachusetts*, vol. xii, p. 45.

[3] *Stemmata Shirleiana*, p. 242.

[4] In the *Inner Temple Book of Admissions from 1670 to 1750*, p. 1321, there is an entry (translated below from the Latin) stating that "William Shirley, gentleman, son and heir of William Shirley, late of Lon-

the Temple, and some time before he was called to the bar in 1720[1] he married Frances Barker, daughter of Francis Barker, of London. It thus happened that when he began practicing law in London, two daughters had been born to them, pledges of the numerous offspring who were later to bless and embarrass them. Nine years later their family included five daughters and three sons. The first eleven years of his practice of his profession were spent in London, where he is also said to have held an office.[2]

These years seem to have been productive of more reputation than wealth, for upon his departure for America to better his fortunes he was able to secure solid recommendations from men prominent in the British government and at the London bar testifying to his professional attainments and aptitude.[3] Like many another Englishman of slender fortune he turned to the colonies in America in the hope of finding a more ready road to success under the freer conditions of the new world. Possibly the adventure in the ruder society of America was prompted in part by a financial catastrophe.[4] In that environment we shall a little later find him, first as a private citizen practicing law and not long after as an officeholder under the crown.

don, merchant, deceased, was generally admitted into the fellowship of this society in consideration of three pounds, six shillings and eight pence." The date of his admission was October 28, 1713.

[1] *July 3d., Inner Temple List of Barristers, from 1590-*, p. 388.

[2] Hutchinson, *History of Massachusetts* (Boston and London, 1795-1828), vol. ii, p. 358.

[3] There are references to his recommendations in *Bel. Ps.*, pt. i, pp. 20-22, 25, 32-33, 44, 452-453.

[4] Governor Belcher, of Massachusetts, in 1740, while Shirley was being recommended as his successor, amiably suggested that he had been told that Shirley went to America "after being drowned in the South Sea" (South Sea Bubble), but His Excellency named no authority for the assertion. *Bel. Ps.*, pt. ii, p. 525.

## CHAPTER II

### The English Political and Administrative Background

The period in which Shirley lived was a time of vigorous constitutional evolution. The scope of the constitutional changes which were occurring may be indicated by the statement that while formerly the Stuarts had assumed mastery of the nation, the nation now employed a monarch.[1] In explanation of the effects of the changes in the system of government we hear much of prime ministers, cabinet councils and leaders in the House of Commons, while the monarch, who seemed superficially to direct the state, is, in the time of the early Georges, presented as essentially a liveried flunky of the nation.

The interpretations of this period of English political life fall largely into two groups stressing respectively the passing of the powers of the crown, and the beginnings of democratic rule. Broadly speaking, the first of these processes was already completed when George the First neglected to attend meetings of his ministers, and the second had not yet truly begun until a much later epoch.

It seems a far cry from autocratic monarchy to thoroughgoing democracy. A sudden change from one to the other has, it is believed, never been accomplished save by violent revolution, if even by that means. Fortunately it is not nec-

[1] The first two Georges were not entirely devoid of influence upon affairs domestic or foreign but their power of direction was not considerable except in the foreign field, and even there partly because of their interests in Hanover.

essary to assume that the English constitution has bridged the gulf between them with a single span. That it did not do so is too obvious to escape recognition, explicit or implicit, by many writers. It has been pointed out repeatedly that the aristocracy of great landholders held a position of great influence after the fall of the Stuarts until the premiership of the elder William Pitt and even later. But no historian has yet adequately written the history of the supremacy of the Whig oligarchy. Yet it has recently been recognized that the ascendancy of this group of powerful landholders was the central fact in the political history of England from 1714 until the elder Pitt inaugurated a more national policy. The Whig supremacy wholly includes Shirley's connection with public affairs in the portion of his career with which we are concerned in this volume.

Generally speaking, the policies of ministers in this period were not formed to meet the desires of either king or nation. They were, to be sure, intended to keep either from protesting too loudly, since either might, if so disposed, cause much inconvenience. Nevertheless, the substance of power rested with a clique or faction of the aristocracy,[1]

[1] The custom followed until recently of building the history of the period primarily around institutions which to the minds of present day readers connote conditions which belong before or after that time, rather than about the Whig political machine of the day, is doubtless largely due to the facts, first, that the ruling aristocracy used extensively the political machinery which they found, and second, that the cabinet and the prime minister, whose offices were evolved largely during the Whig ascendancy, were later associated with a popular system of government. Much concerning the Whig machine appears in many writers upon the period, but the inwardness of it has not been revealed. An article upon "The Duke of Newcastle and the Election of 1734" in the *English Historical Review* for July, 1897, by Basil Williams, based chiefly upon the *Newcastle Papers*, suggests how greatly our knowledge of the actual government of England in that period might be increased by a clear analysis of the contents of this collection and of the papers of other political leaders of the time. Notable contributions to our knowledge

which retained control of the government throughout the period.

It is with this dominating group that this sketch so far as it touches English politics, is chiefly concerned. The group changed in personnel through death, and less frequently through desertion, but the membership was noticeably stable and some of its leaders remained in power for long periods of time. The leadership of the group was sometimes in a single man and sometimes in an informal political partnership of two or more members. The most influential leaders of the group held high offices of state and combined the administration of government with the functions of the present-day political boss. They were members of the privy council and of that smaller body which was, in one aspect, the real council of state, and in another, an executive committee of the Whig aristocracy organized as a political party. This body came to be known as the cabinet council, and has developed into the present cabinet.

Today the cabinet is responsible to the House of Commons and through it to the nation. At that time it would have been nearer to the truth to say that the House of Commons was responsible to the cabinet council and to its associates and subordinates who managed the Whig party. The House of Commons sometimes repudiated individual leaders but it did not challenge the Whig machine, for the reason that it was part of it. The king must perforce accept the Whigs and work with them; for their opponents, the Tories, had favored the return of the Stuarts, and influential members of that party continued to intrigue to that end after the Hanoverians were established on the throne.

of phases of political affairs in the time of the Whig supremacy by Von Ruville, Basil Williams (*cf. supra* and also his *Life of Pitt* [London, 1914]), Alvord and E. R. Turner, still fall short of a clear exposition of the political system of the time.

Party lines followed largely the lines of division between social classes, with a minor portion of the aristocracy attached to the Tories.[1] Parties at that time, however, had no necessary relationship to the will or the interests of the nation as a whole. The franchise was far from having a democratic basis, and its exercise under the influence of vested interests was accompanied by wholesale corruption. It would be just to say in general that seats in the House of Commons and the votes of their holders were alike merchandise. This left the control of public affairs ultimately in the hands of the Whig aristocrats, whose great resources made it always feasible for them to secure enough votes to perpetuate their control. The small body of voters exacted such profits from the ruling class as their privileges allowed, while the general public remained more or less uninterested spectators of the proceedings.

The bounds of the political influence of the different members of the Whig aristocracy have never been accurately determined, but all authorities agree that a position of primacy as a party manager belongs to the Duke of Newcastle. The duke was less influential personally with other leaders of his party than were some of his contemporaries, but he was *par excellence* the winner of elections. His vast wealth, including huge estates in several counties, gave him such strength in the political system of his time that he was indispensable to all administrations from that of Sir Robert Walpole to and including that of Pitt. From 1717 to 1766 he held high office in the government with but rare interruptions. Whenever he was allowed to retire to private life he was promptly recalled. Yet no one has discovered

[1] The Whigs outside the large landed interests included the dissenters and the higher trading and commercial classes, while the country gentlemen and country clergy, who hated dissenters, and the agricultural classes who were jealous of traders, supported the Tories.

in the Duke of Newcastle a genius for leadership, nor especially able statesmanship, nor even more than moderate intellectual gifts of any sort. The inference seems irresistible, therefore, that his eminence in the history of his times was due in considerable measure if not primarily to accidents of birth and fortune. The fact that the duke's hereditary advantages have impressed historians more forcibly than has his skill in utilizing them is a striking commentary upon the character of the political system of his day.

The Duke of Newcastle is not an attractive figure as he appears for the most part in the writings of his contemporaries. Most of his literary contemporaries, however, were among his political opponents. It is to be presumed, under the circumstances, that the consummately ridiculous conduct attributed to him partakes of the nature of caricature. It may easily be supposed that Newcastle illustrated the type of man who would furnish endless anecdotal material for political partisans of the Horace Walpole variety, although some of the traits attributed to him, such as vanity and fussy mannerisms, are not incompatible with high abilities. It is difficult, however, to believe that the person who was by general testimony, even if of his enemies, verbose in speech, inaccurate in statement and confused in thought, and unstable in his attitude toward men and measures, was a man of the highest qualities of mind and heart.

Probably the most attractive characteristic of the duke, outside of his purely private life, was his patronage of young men of talent who lacked independent fortunes. A notable example is afforded by the case of Philip Yorke, whom Newcastle helped to make successively chief justice, member of the privy council and lord chancellor, and who, after becoming Lord Hardwicke, remained the duke's counsellor and friend. In a somewhat similar spirit Newcastle

played the part of patron, protector and friend to Shirley during most of his career in America.[1]

The English history which has been written of the time of Newcastle has been largely biographical, perhaps because there were no men in England in that day great enough to create a national theme which would seem impressive. It was a sort of English middle age in which *acta ministrorum* made up the staple of the accounts of the period. Foreign policy was continually complicated by the insistent stress placed by the reigning house upon its second-rate German principality of Hanover. Domestic policy was clogged by the course of masterly inactivity of the landholding aristocracy, watchful lest the sleeping English dog mistake their vested interests for a bone. Consistency of policy was exemplified by uniform efforts to chloroform the nation into quiescence while any problems which demanded solution were disposed of with a minimum of disturbance and change.

Passing by this welter of inconsequences it is evident that the future of the nation lay not with the landed interest, who were distinctly provincial in spite of the necessity then upon them of sponsoring such English policy as existed, but with the merchants and others who, concerned in interests beyond seas, fostered at once trade and dominion. The evolution of England from a kingdom into an empire, howbeit an immature one, was already a *fait accompli*. The vital national interests had become distinctly imperial in

[1] Lecky's *History of England in the Eighteenth Century* (New York, 1878-1887), vol. ii, p. 477, contains the following caustic comment on the career of Newcastle: "Newcastle is certainly the most remarkable instance on record of the manner in which, under the old system, great possessions and family or parliamentary influence could place and maintain an incapable man in the first position in the state." In the pages following is a most unflattering estimate of Newcastle's public career in all its aspects. For a more favorable view *cf.* Harris, *Life of Hardwicke* (London, 1847), vol. i, p. 427.

nature. Between that time and the present there have been two periods of vigorous empire-building, one before and one after the American Revolution. Shirley's American career falls within the first of these periods and had an important relationship to the expansion that signalized it.

Shirley, therefore, appeared against this imperial background when, by coming to Massachusetts, he entered the sphere of activity of Governor Jonathan Belcher, of Massachusetts and New Hampshire. From the imperial point of view Belcher's administration, which began in August, 1730, was an experiment in killing provincial perversity with kindness.

The notoriously intractable province of Massachusetts Bay had been forced into subdued ways by her efficient but unloved son, Joseph Dudley, governor from 1702 to 1715. His successor, Samuel Shute, governor from 1716 to 1728, was an Englishman. After a time, he set the provincials by the ears, and finding it uncomfortable in Massachusetts retired to England in 1723, in which safe retreat he remained for more than five years until the end of his term, while his deputy, Lieutenant-Governor Dummer, a native of Massachusetts, administered the province. There followed a brief and stormy administration under another Englishman, William Burnet, ending at his death in 1729.

Shute had petitioned the king that the salary of the governor be fixed for the future, and he had then (April 10, 1726) been directed to urge the assembly in the strongest terms to settle "a fixed and honourable salary . . . . not to be less than £1,000 sterling per annum from Massachusetts Bay."[1] This led later to a spirited battle with the assembly. This contest in which Shute had taken part before leaving Massachusetts was in abeyance while he was in England

[1] *Acts of the Privy Council*, Colonial Series (Hereford, 1910-1912), vol. iii, p. 107. The abbreviation "*A. P. C.*" will be used.

but was renewed with increased vigor under Burnet.[1] The violence of the contest and the lack of success of the governors alarmed the Duke of Newcastle, then the secretary of state in charge of colonial affairs, leading him to believe Massachusetts wished "to throw off their dependency on the crown." Such a design might be dealt with by referring the matter to Parliament, but the ministers "wished that extremity might be avoided." Therefore Burnet was privately notified to ask for a grant for his own administration only. The maneuver was understood by the agents of the province in England, and the people of Massachusetts through them became convinced that threats made to take the matter before Parliament would not be fulfilled, and further that if the subject should come up the contention of the colonists would probably be sustained.[2]

In connection with this controversy Jonathan Belcher emerged as a leading character. He was a wealthy Boston merchant, who had been engaged in the slave trade, had served seven years in the council of the province as a "prerogative man," in Governor Shute's administration, and had been reelected under Burnet, but negatived by the governor. Thereupon Belcher experienced an "instantaneous conversion" to the popular view and became intimate with the leading anti-administration members of the assembly. He presently presided over a town meeting in Boston at which it was unanimously voted to instruct the representatives of the town in the assembly to vote against settling a salary on the governor. Then Belcher was chosen to serve jointly with the previous agent of the assembly, Francis Wilks, to

[1] Hutchinson, *op. cit.*, vol. ii, pp. 301-321; Dickerson, *American Colonial Government* (Cleveland, 1912), pp. 185-186.

[2] Chalmers, *An Introduction to the History of the Revolt of the American Colonies* (Boston, 1845), vol. ii, pp. 128-129; Dickerson, *op. cit.*, p. 186 and note 425.

present the case of that body against Burnet before the privy council. While this cause was pending in England news came of the death of Burnet, and Belcher with his accustomed facility underwent another "instantaneous conversion," this time to a clear advocacy of the king's prerogative in America.[1]

According to his own statement Belcher owed his appointment to Lord Townshend, whose good-will he afterward retained. He also enlisted in his behalf former Governor Shute, who gave up in his favor an opportunity to resume the governorship, and that of Francis Wilks, who was influential at court. In his application he ignored the board of trade and secured the support of their superiors.[2]

Belcher took office under somewhat peculiar conditions of official backing; for his special patron, Townshend, retired from the post of secretary of state almost at the time his protégé began to serve, and Townshend's brother-in-law, Sir Robert Walpole, then prime minister, never showed especial liking for the governor. Doubtless the rivalry between Walpole and Townshend preceding the retirement of the latter predisposed Sir Robert against Belcher, and Martin Bladen, the chief figure at the board of trade, combined devotion to the prime minister with a dislike, which

[1] References for the contents of the preceding paragraph are found as follows: *List of Vernon-Wager Manuscripts in the Library of Congress* (Washington, 1904), p. 23; *Bel. Ps.*, pt. i, pp. xvi-xvii; *Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay* (Boston, 1869-1918), vol. ii, p. 523; *A. P. C.*, vol. iii, pp. 253-256; vol. vi, pp. 208-209; *British Historical Manuscripts Commission*, 11th Report (London, 1887), App. 4, pp. 273-274; Hutchinson, *op. cit.*, vol. ii, p. 318; Chalmers, *op. cit.*, vol. ii, p. 132.

[2] For the circumstances antecedent to and attending Belcher's appointment, *cf.* Hutchinson, *op. cit.*, vol. ii, pp. 294, 329; Matthews, *Notes on the Massachusetts Royal Commissions* (Cambridge, 1913), p. 63, note 5; *Bel. Ps.*, pt. ii, pp. 16-18, 101-106, 138, 479.

he made no effort to conceal, for the Massachusetts governor who had presumed to disregard his influence.[1] Belcher, in fact, was a man without a patron among the high officials at home, and from the start a scarcely veiled hostility existed between him and the board of trade. Belcher's pronounced efforts to attach himself to the Duke of Newcastle, and to follow a neutral course which would cause resentment from neither ministers nor Parliament were the natural results of the difficulties of his position.[2]

Belcher from the beginning attempted to create a political machine at court which would safeguard his tenure of office. Wilks had added to his influence at court by joining Belcher in the measures which had made the latter an acceptable candidate for governor.[3] He was also privately Belcher's representative and apparently fully in his confidence while still remaining agent for the Massachusetts assembly.[4] Openly the governor was represented in London by his brother-in-law, Richard Partridge, and his son, Jonathan

[1] For the political conditions at home accompanying Belcher's accession, *cf.* Coxe, *Memoirs of the Life and Administration of Sir Robert Walpole, earl of Orford* (London, 1816), vol. ii, pp. 378-390; *His. Mss. Com.*, 11th Rep., App. iv, p. 120; T. Townshend to Hardwicke, printed in "The Materials for the Study of the English Cabinet in the Eighteenth Century," by E. R. Turner in *American Historical Association Report* for 1911, vol. i, p. 96; Innes, *A History of England and the British Empire* (London, 1913-1915), vol. iii, p. 138.

[2] For Belcher's backing at home and the relations between leading English statesmen of the day, *cf.* the references in note *supra*, and *Bel. Ps.*, pt. i, pp. 32, 38, 61 note, 125-126, 225, 265, 279, 282, 311, 380-381, 404.

[3] *Cf. supra*, p. 23.

[4] *Bel. Ps., passim.* Wilks continued to hold this position as agent for the assembly until his death in 1742. (*Bel. Ps.*, pt. i, p. 33 note.) When, however, there arose opposition to him in the assembly, they apparently not regarding him as sufficiently devoted to their interest, Belcher used his influence to have him retained. *Ibid.*, p. 505; pt. ii, pp. 215-216.

Belcher, Jr., then a student at the Temple.[1] In reality they and Wilks formed a trinity in the governor's interest. In many instances they were able to serve those whom they represented by a common policy.

Belcher kept up his alliance with ex-Governor Shute and the latter's kinsman, Lord Barrington, by making a protégé of John Boydell, formerly Shute's private secretary.[2] He also constantly busied himself by correspondence, by sending presents, and by securing introductions for his son to influential persons in England, and cultivating good relations wherever possible.[3]

As Belcher's methods became known in England the board of trade followed a policy which resulted in creating checks upon him in America. Sir Robert Walpole perhaps without deliberate intent promoted the same end by insisting upon the naming of Benjamin Pemberton as clerk of the naval office at Boston.[4] It is noticeable, however, that appointments such as this strengthened the influence of the prerogative in America, and particularly in regard to matters which were likely to come under admiralty court jurisdiction, such as the king's woods and the acts of trade.

Belcher began his administration at a time when Newcastle, as secretary of state for the southern department, was assuming control in large measure of the patronage and of the policy of the English government in the colonies. The board of trade was in this period an advisory body

[1] *Bel. Ps.*, pt. i, p. 79.

[2] *Cf. The Boston Gazette*, Oct. 15, 1722, quoted in Matthews, *op. cit.*, p. 68; *Bel. Ps.*, pt. i, pp. 4, 114, 209-210; *Suffolk Files*, Nos. 38108, 38297, 40572, 41140, 41249, 43204, 43571, 44365, 45562, 45596, 47200, 47446, 47465, 47491, 47964, 48393, 50894, 51013.

[3] *Bel. Ps., passim.*

[4] The facts of the Pemberton affair from Belcher's point of view are to be found in *ibid.*, pp. 376, 385-386, 413; pt. ii, pp. 155-156, 167-169.

with but limited influence of a positive sort. Its most active member, Martin Bladen, was commonly known as "Trade" in distinction from his colleagues who were dubbed the "Board."[1] Newcastle, in spite of his great strength in Parliament, must work with others to maintain the majority there which was the requisite foundation for a strong ministry; hence he was disposed to avoid bringing up questions of colonial policy that might divide and weaken the government's support in the legislature. Were another course adopted the Whig oligarchy might be compelled to obey Parliament instead of ruling it.[2] However, administrative authority in colonial matters lay in practice almost wholly with Newcastle and not with the board of trade.[3]

A plan for unifying and regulating the colonies had been vaguely conceived by English statesmen almost from the beginning of the colonial period and had been intermittently undertaken with energy by the various functionaries who served in sequence as spokesmen for the crown in colonial affairs during the periods of Stuart and Orange rule. The project remained in abeyance under the first two kings of the House of Hanover, apparently through inertia or lack of power rather than through sympathy with the diversity and the disconcerting unmanageableness of the existing governments in the colonies.

The Stuarts, after all, were not clever enough, nor aside from Charles I valiant enough, to play the part of autocrats. Had they been so, doubtless the colonies would have been confronted with the task of maintaining their autonomy in local affairs against the naked prerogative of the crown a century, more or less, before the third George

[1] Dickerson, *op. cit.*, pp. 37-38; Kellogg, "The American Colonial Charter" in *Am. His. Assoc. Rep.* for 1903, vol. i, p. 222.

[2] *Cf. supra*, pp. 15-18.

[3] Dickerson, *op. cit.*, pp. 112-114; Kellogg, *loc. cit.*, p. 225.

and his ministers raised the issue through Parliament. As things stood, half measures were in order. As the crown did not venture in general to override the colonial charters, efforts were made to revoke them, first by judicial action, since such a method alone was in harmony with the dignity and politicial theory of the Stuarts; later under the saffron imperialism of their Dutch successors revocation was sought through act of Parliament.

To be sure, James II with unwonted hardihood, if little prudence, provoked the nation to decree that he should be the last of his line, and at the moment of his fall was not only asserting his prerogative boldly in England but was building a highly centralized and autocratic political structure under his personal representative in America, the ground for which had been prepared by a mingling of judicial and mere prerogative action against charters; but this was only an expiring gesture, for after the flight of James from England the conception that the king's prerogative might dominate the nation, never found general acceptance either in England or the colonies.

This conception gave place to that of a monarchy constitutionally safeguarded to hold the prerogative to a limited exercise. The logical end of that road was democracy; but the nation being as yet unready for this, a basis for a stable régime was found, with the accession of the House of Hanover, by placing the government in the control of the Whig oligarchy, somewhat less irresponsible than an untrammelled king. While the Whig leaders thus held the proxies of king, Parliament and people for public affairs, they saw the utility of playing the part of a constitutional government. This policy was prudent even though they were primarily interested in maintaining their own power. To insure against its fall they avoided allowing the king, with whose rule they were in the popular mind associated,

to give his approval to measures savoring more strongly of personal government than the jealous Parliament and people would regard as in keeping with his largely ceremonial station. With a like motive the Whig leaders refrained from raising issues of policy in Parliament which might be unpopular in the nation. Like all rulers not stupid who are reputed to be irresponsible, they recognized a potential power in the nation to hold them accountable.

Thus Newcastle, along with the other members of the Whig clique, was actually limited in many ways in his political action by considerations of expediency.

As secretary of state for the southern department he not only was the administrative head for the colonies but also shared responsibility for home and foreign affairs. As the chief English executive for the colonies he named the royal officials there [1] and later directed their policy in both civil and military affairs by correspondence, and dealt with issues raised by the colonists. Aside from the function of the board of trade in passing upon colonial laws, the secretary of state for the southern department need not consult them, nor abide by their advice when consulted. In Newcastle's time the earlier practice of referring nearly every matter of importance relating to the colonies to the board was not observed and he relied for important matters more largely upon the advice of the committee of the privy council,[2] meaning, substantially, the more active members of the privy council acting as a smaller council to recommend action for the full

[1] However, the various departments of the English government, such as the treasury and the admiralty, had, in practice, much influence in selecting appointees to offices in America whose functions related directly to the work of those departments.

[2] *A. P. C.*, vol. iii, pp. vii, ix; Turner, "The Development of the Cabinet, 1688-1760," pt. i, in *Am. His. Rev.*, vol. xviii, pp. 758-760; Russell, *The Review of American Colonial Legislation by the King in Council* (New York, 1915), pp. 82-83; Kellogg, *loc. cit.*, pp. 222, 225.

body, who usually accepted the recommendations made. Bladen's influence as a member of the board, therefore, was probably due largely to ability, diligence, long experience with colonial questions, and activity along the line of colonial policy in the House of Commons. The board of which he was a member could claim neither force nor prestige.[1]

The increase of colonial business handled by the privy council in the same period in which the board of trade became as a body less and less active and influential indicates an increased centralization of authority in colonial matters. Aside from the question of Newcastle's qualifications for administration or success as an administrator, such a centralization would undoubtedly offer an opportunity for overcoming in a measure those defects in the government of the colonies arising from division of responsibility and the cumbrousness of procedure in England.

In the decade preceding Belcher's elevation to the governorship, there was indeed a serious effort to force the settlement of salaries upon provincial governors by the assemblies. Beyond this, however, the privy council was content to deal with efforts on the part of colonial governments to extend their powers, with violations of the rights of the crown by the people of the colonies, or the denial of private rights there, and with efforts to settle boundary disputes. The policy was on the whole defensive or mediatory rather than aggressive, static rather than dynamic.[2]

The issue affecting the rights of the crown which bulks largest in the dealings of both privy council and board of

[1] Dickerson, *op. cit.*, pp. 37-38, 188-189.

[2] For the substance of measures affecting the colonies considered by the privy council in this period and the policy adopted toward them, *cf. A. P. C.*, vol. iii, *passim*; Dickerson, *op. cit.*, pp. 181-189. *Cf.* also, *supra*, pp. 21-22.

trade with the New England colonies in that period related to the king's woods. It was also the issue with which Mr. Shirley dealt most largely during the decade which he spent in America before his governorship.

The value of the pine forests of New England and adjacent districts as sources of supplies, especially masts, for the royal navy, had been understood from the beginning of settlement in Massachusetts Bay. An early visitor to the country published in England a glowing eulogy of the forest resources of that district. Within a generation of the settlement the English government was taking an active interest in promoting in New England the production of naval stores. The best masts were from New Hampshire until the available supply there had been depleted, but there were also fine ones in Maine. The latter fact had not escaped the notice of Edward Randolph, the arch-enemy of New England, while serving as surveyor of woods and timber in Maine in 1656.[1] Naturally enough, when a new charter for Massachusetts Bay was granted in 1691, including within that province the territory known as Maine, there was inserted in the document a clause, reserving for the crown "all trees of the diameter of twenty-four inches and upwards of twelve inches from the ground growing upon any soil or tract of land within our said province .... not heretofore granted to any private persons."[2]

Early efforts to enforce this reservation were weak and largely ineffective, and much timber so reserved was cut and sold for private profit by the colonists.[3]

That the ministry was already in earnest in promoting the

[1] Lord, *Industrial Experiments in the British Colonies of North America* (Baltimore, 1898), Johns Hopkins University Studies in Historical and Political Science, extra vol. xvii, pp. 1-3, 87.

[2] *Acts and Resolves*, vol. i, p. 20.

[3] Lord, *op. cit.*, pp. 87-88.

sea power of Great Britain, and thereby her commerce and wealth, by securing a better supply of naval stores from America, appeared in October, 1721, when the subject received especial attention in the king's speech upon the opening of Parliament.[1]

Governor Shute in the course of a general arraignment of the Massachusetts assembly in 1725 included as its first item a complaint of their conduct in relation to waste in the woods. This complaint led to a condemnation of their action in the matter by the attorney-general and solicitor-general and a report of the committee of council in favor of employing "all proper legal methods .... to assert Your Majesty's Royal authority and prosecute all such who have contemned the same, unless a due obedience be paid to Your Majesty for the future."[2] This show of severity did not daunt the provincials.

In 1727 the privy council, in connection with the establishment of civil government in Nova Scotia (which that body then held to include the country between the Kennebec and St. Croix rivers), as a royal province directly under the crown, took up the question of the preservation of the woods there. The destruction of the woods in New Hampshire had proceeded so far that the question of the preservation of the mast trees in all New England was now a critical one. The efforts of the home government to solve the problem centered about a new surveyor-general of the woods, David Dunbar, who was named in 1728.[3]

The new surveyor-general was sent to America to assume his duties in May, 1729, after extended and unfruitful consideration of the problem of the woods and the northeastern

[1] Brisco, *The Economic Policy of Robert Walpole*, Columbia University Studies in History, Economics and Public Law, vol. xxvii (New York, 1907), pp. 156-157.

[2] *A. P. C.*, vol. iii, pp. 92-94, 102-103.

[3] *Ibid.*, pp. 152, 183-185, 187.

frontiers of New England by the board of trade and the privy council. He was under the impression that he was to be commissioned as governor of a new province, bearing the name Georgia and lying between the Kennebec and St. Croix rivers. By rash action upon his arrival he precipitated a conflict with the province of Massachusetts concerning jurisdiction over that district. The upshot of the matter was an opinion by the attorney-general and solicitor-general that the claim of Massachusetts to control of the territory was good, and Dunbar was left in an extremely uncomfortable position. His lot was hardly ameliorated by his appointment as lieutenant-governor of New Hampshire for the professed purpose of giving him added influence as surveyor-general of the woods,[1] since in that capacity he entered upon a most violent quarrel with Governor Belcher in the course of which they clashed at nearly every possible point.

Belcher not only at the time of the inception of his quarrel with Dunbar, but repeatedly later, wrote in a heated manner to the board of trade and to persons in high office in England, complaining of Dunbar's behavior and urging that he be removed from his position as lieutenant-governor of New Hampshire.[2] The implied reflections upon the officials

[1] On this episode, *cf. Maine Historical Society Collections*, second series, vol. ix, pp. 342-344, 352-354, 357-358, 359, 368, 373-374, 449-450; vol. x, pp. 450-453, 466, 468-469; vol. xi, pp. 31, 115; *A. P. C.*, vol. iii, pp. 184-189, 275-283, 306-307; vol. vi, pp. 122-125, 194; *Calendar of Treasury Papers, 1556-1728, preserved in Her Majesty's Public Record Office*, Jos. Redington, ed. (London, 1868-1889), 1708-1714, pp. 489-490. Secondary accounts are in Johnston, *A History of the Towns of Bristol and Bremen in the State of Maine, including the Pemaquid Settlement* (Albany, 1873); Willis, "Scotch-Irish Immigration to Maine," in *Me. His. Soc. Colls.*, vol. vi; Williamson, *A History of the State of Maine, from its first Discovery, A. D. 1602, to the Separation, A. D. 1820, inclusive* (Hallowell, 1832), vol. ii, pp. 169-178; Sullivan, *The History of the District of Maine* (Boston, 1795), pp. 389-394.

[2] *Bel. Ps., passim.*

at home for having named Dunbar and for keeping him in office doubtless had the natural effect upon their minds and tempers, especially as a complaint by Dunbar regarding trade conditions in Massachusetts had already been sent to the board of trade and apparently also came to the attention of Newcastle.[1] Dunbar's declaration in another letter to the board of trade a few months later, that evasions and violations of the Acts of Trade at Boston were "connived at,"[2] must have raised serious doubts as to Belcher's loyalty to the crown. In truth, when we consider together Belcher's policy, the complaints about him first by Dunbar and later by others, and the cool, not to say critical attitude of the home government, especially the board of trade, toward him, it is not too much to say that he was under suspicion and on the defensive from the start. His treatment by the home government is the more striking when compared with their attitude toward Dunbar.[3]

In fairness to Belcher it should be said not only that he was in a difficult situation but also that the position he took regarding the eastern country was at least legally correct, as was shown by the opinions of the law officers of the crown. Nevertheless, he might wisely have contented himself with protesting against the action of the crown, pending the decision of the issue. Instead of this he asserted a jurisdiction then in dispute, and was met by a peremptory order of the privy council that he remain quiet, an order which, in the nature of things, had to be issued before he had a chance to be heard.[4] Thus his course hurt him in

[1] Pitman, *The Development of the British West Indies, 1700-1763* (New Haven, 1917), p. 215 and note 59.

[2] *Ibid.*, p. 215 and note 61.

[3] *Cf. Me. H. S. Colls., loc. cit.*, vol. xi, pp. 95, 131-133, 134, 183-185.

[4] *A. P. C., loc. cit.*, p. 306. Doubtless Belcher might without disaster have delayed the inspection of all forts under his control (which served

England; but any other course would have hurt him in New England by making him seem to stand for royal rather than colonial interests. In truth, Belcher's conduct in this matter, as in many others, is much more easily explained from the point of view of a man of his antecedents than from that of a royal governor.

From the New England point of view as well as from that of the home government, the country east of New Hampshire was taking on a new importance. Not only was the shifting of the mast industry from the Piscataqua to Falmouth (the present Portland, Maine) in 1727,[1] of great importance in connection with that business in itself, but it was accompanied by a more active development of the eastern country generally, particularly along the seaboard and navigable rivers to a point beyond the Kennebec. The movement included the clearing of forests,[2] the settling of lands, the promotion of shipbuilding,[3] and a general pushing back of the frontier. As this condition appeared, the Massachusetts government naturally felt an increased interest in keeping the control of the evolution in its own hands, and in that respect Governor Belcher acted the part not only of a Boston merchant but also of a patriotic New-Englander.

as an excuse for action in the eastern country) even though this duty was prescribed by royal instruction. *Me. H. S. Colls., loc. cit.*, vol. xi, p. 7.

[1] Weeden, *Economic and Social History of New England* (Boston, 1890), vol. ii, p. 578.

[2] The clearing of the forests was stimulated largely by the bidding of the French against the English West Indies for the New England lumber supply. Pitman, *op. cit.*, pp. 216-222, 254 (note 29).

[3] Aside from the large fleet of New England trading vessels which were usually built there, New England was building many vessels for sale to the French and Spanish. (*Ibid.*, pp. 214-215, 255, note.) Massachusetts was said in 1731 to employ "some forty thousand tons of shipping in the foreign and coastwise trade, about half of which traded to Europe." Brisco, *op. cit.*, p. 203.

## CHAPTER III

### Barrister and Advocate-General

Inasmuch as Mr. Shirley went to America hoping for the patronage of Governor Belcher, which, if granted, would result in a public career, he stepped at once, upon landing at Boston with his family on October 27, 1731, into the atmosphere of political intrigue by which the governor was surrounded.

Shirley's arrival did not cause a ripple upon the placid stream of the governor's policy. To the numerous letters of introduction endorsing Mr. Shirley's professional attainments and abilities, Belcher replied with protestations of his readiness to serve their bearer, phrased with gradations of warmth appropriate to the relative eminence of their respective writers. In replying to Shirley's chief patron, Newcastle, the governor made an acknowledgment, cordial in tone but formal in content, and a pledge of assistance to his protégé large in scope but slight in specific promises, and then passed adroitly to other matters, public and private. Meanwhile nothing more tangible was offered to Shirley than a recommendation of him "(for a pleader) to the several setts of Judges of the Courts in both my governments," and Belcher confided to his confidant and unofficial agent, Francis Wilks, that he did not expect the impecunious English barrister to prosper.[1]

[1] Letters containing the account of Shirley's arrival and of the governor's consequent action are found in *Bel. Ps.*, pt. i, pp. 20, 25, 32-33, 44, 60, 88, 452-453, 455, 461.

For the present, therefore, the needy Shirley, who had been advised to remove to Boston, "having prospect of a numerous offspring," was to battle like any plebeian for a living in a provincial environment not likely to be altogether friendly. Newcastle, his patron, the busy public man in England, was apparently not uninterested nor insincere in his friendship, but preoccupied, and embarrassed by other claims when patronage in America was to be distributed.[1]

For a decade Shirley led the professional life of one "learned in the law" in New England in the period in which that profession was producing the minds and the legal theories which were to be applied a generation later to the problems of the Revolution. Among New England lawyers his position was a distinguished one, but he was not in harmony with the legal evolution in the midst of which he lived, being loyal to the English rather than the New English conception of law, especially when those conceptions were in conflict.[2] Despite his sturdy English point of

[1] See on this phase of Shirley's experience, Hutchinson, *Hist. of Mass.*, vol. ii, p. 358; *Sh. Cor.*, vol. i, pp. 9, 12, 18; *Bel. Ps.*, pt. i, p. 25; pt. ii, p. 525.

[2] The legal system of New England before independence still offers a profitable field for investigation. Features which would repay further research are the development of a distinctively New England common law, the relations between the courts of New England and the British government in its various departments, the evolution of court procedure and legal forms, and the history of the stream of legal traditions and attainments which can be traced directly from the leading contemporaries of Shirley at the Massachusetts bar, such as John Read, Robert Auchmuty, Jeremiah Gridley, Edmund Trowbridge and Benjamin Pratt, through the generation of lawyers who won fame in revolutionary days, the most noted of whom were James Otis, Oxenbridge Thatcher, John Adams, William Cushing and Josiah Quincy, and continuing after the Revolution in the persons of Theophilus Parsons, Francis Dana, Rufus King, Christopher Gore, Harrison Gray Otis, Royall Tyler and Joseph Story, and finally producing the great apostle of American union and nationality, Daniel Webster. Much material relating to this subject will be found in the *Suffolk Files*, the Massachusetts *Archives* and the *Acts*

view, however, his New England neighbors came to feel both liking and admiration for him.

At the start the public career of the newly arrived barrister, almost isolated from influences at home, was obviously conditioned in almost every way by the attitude of Governor Belcher toward him. This attitude was a part of the governor's public policy. At first, Mr. Shirley was merely a pawn in the governor's struggle for political mastery in New England, but after a decade, as the issues got beyond Belcher's control, the quiet but forceful Englishman was ready to take up the task of administration with a different vision and a different policy.

In the midst of the party strifes, the personal enmities, and the hypocrisies of Belcher's administration, Shirley remained, until the major part of it had passed, outwardly a neutral. To play such a part with success would have been, without integrity, difficult, without much penetration and prudence impossible.

However, this neutrality on Shirley's part, though correct in form and reciprocated by the governor, differed little in substance from political enmity, since the newcomer worked with all his might throughout Belcher's governorship, in opposition to the chief policies which the latter's measures were calculated to promote. Meanwhile, each professed the fullest loyalty to the crown.

*and Resolves of the Province of Massachusetts Bay.* Considerable information upon it appears in works by Warren, Washburn, Knapp, Davis, Thayer, John Adams, Swift, Bell and White, in the *Diaries of Benjamin Lynde and Benjamin Lynde, Jr.* (Boston, 1880), ed. by F. E. Oliver, and in many other works dealing with the history of the period. Aside from the stores of official records in London there are indications of the English influence upon the American legal system in general in *A. P. C., Col. Ser.*, and in the works of Chalmers, Francis Fane, Kellogg and Dickerson, while valuable contributions to our knowledge of phases of this subject are found in those of Spencer, Russell, Schlesinger, Hazeltine and Reinsch. The titles of works referred to in this note will be found in the bibliographical note at the end of the volume.

In the controversy over the eastern country Belcher served New England merchants and the possessors of lands in that district whose titles were derived from royal grants. He also upheld the Massachusetts jurisdiction there. His attitude toward New England commercial interests was further revealed in connection with admiralty-court affairs. It was of still more importance that he touched therein upon the chief issue between the crown and the colonists.

The admiralty court was a piece of driftwood at which the home government caught for support of its policies in the flood of colonial hostility. Its jurisdiction had been detached from that of the governors under the impression that the loyalty of the latter to the king was being too severely tried by colonial public opinion and other forms of influence. In Massachusetts, which Martin Bladen penetratingly characterized as a "kind of commonwealth, where the king is hardly stadtholder," [1] admiralty courts labored under more than usual difficulties.

The creation of an admiralty-court jurisdiction apart from the other branches of the provincial governments conferred upon those courts independence at the expense of prestige. As they now ceased to function through the executive and drew their authority from the admiralty in England, although a direct attack upon them through the colonial legislatures was made more difficult, attacks through the provincial courts were with more difficulty repelled.

It was claimed by royal officials that these courts were authorized by an obscure act of Parliament,[2] but their only clear foundation was in the king's prerogative.[3] As has

[1] Bladen to Newcastle, Oct. 8, 1740, *C. O.* 5 899, 376.

[2] 7 and 8 William III, c. 22. Attorney-General Northey gave an opinion that this act did not authorize admiralty courts in the plantations but recognized them as already existing there. Chalmers, *Opinions*, p. 501.

[3] Commissions for vice-admiralty officers in Massachusetts were sub-

already been indicated, the days of unquestioned prerogative government were past in both England and America.[1] A part of the struggle in England over such government had been waged between the admiralty and the common-law courts or courts of record, and the common-law courts had won a jealously-guarded victory over the king's prerogative. In reality, therefore, the crown was fighting over again in America a battle which it had lost in England, disguising the issue under the cloak of special conditions.[2]

The contest was waged in America along the same lines as in England, the common-law courts employing legal weapons to hold the admiralty courts in check. More than a decade before Belcher became governor these "encroachments upon the jurisdiction of the admiralty" had gone so far in Massachusetts and elsewhere in America that the commissioners of the admiralty regarded the influence of these courts there as practically *nil*.

Shortly after this opinion was formed, the board of trade referred the tangled question to Mr. West, counsel to the board, who in a spirit of justice and fairness placed the admiralty and common-law court jurisdictions respectively upon the same bases in England and America, and supported the right of the common-law courts in the latter to issue prohibitions of proceedings in the admiralty courts.[3]

mitted by the board of trade on March 6, 1701. "List of Reports and Representations . . . of the Board of Trade," ed. by C. M. Andrews in *Am. His. Assoc. Rep.* for 1913, vol. i, p. 353, and *Calendar of State Papers* . . . Colonial Series, 1701, § 215.

[1] *Cf. supra*, p. 27.

[2] It was said that in America admiralty courts should be created and given power to try cases without juries, since it was impossible otherwise to secure convictions for offenses against the acts of Parliament restricting American economic freedom. *A. P. C.*, vol. vi, p. 194.

[3] For a brief discussion of the development of the admiralty courts in America, *cf.* Kellogg, *op. cit.*, pp. 227, 259-267; also Chalmers, *Opinions*, pp. 515-518; Chalmers, *Revolt*, vol. i, pp. 274-275; Dickerson, *op. cit.*, pp. 121-122.

Since this attitude merely resulted in placing the board of trade and the admiralty at odds upon the issue and did not bring an abandonment by the ministry of efforts to maintain the jurisdiction of the admiralty courts in America, the path of the governor of Massachusetts was not made less tortuous thereby. Probably, however, Belcher was not greatly disturbed by the situation. He thoroughly understood New England political conditions and had much knowledge of those in England. Inasmuch as his conception of statecraft was successful intrigue,[1] it was but natural that he should have sought the favor of both parties to the contest.

Dunbar's complaint to the board of trade that violations of the Acts of Trade were "connived at" at Boston,[2] bore against the governor and even more pointedly against the officials who dealt directly with matters of trade at that port. Prominent among them were the judge of the admiralty court, Nathaniel Byfield,[3] and his subordinate

[1] He suggested this Machiavellian political philosophy in the words, "Secrecy is the soul of business." (*Bel. Ps.*, vol. i, p. 492.) His practice suggests that he regarded secrecy and duplicity as kindred spirits.

[2] *Cf. supra*, p. 33.

[3] Judge Byfield was a native of England, of clerical ancestry, a resident of New England more than half a century before Belcher's administration, a prosperous merchant, a self-taught lawyer and judge of the common law courts in New England, six times negatived as a councillor by different governors, a speaker of the Massachusetts assembly in 1693, supposed by Randolph to be "strict in ye Observacon of ye Acts of Trade," and hence judge of admiralty from 1703 to 1715, but later superseded for political reasons, again judge of admiralty in 1729, a zealous supporter of the popular party, it is alleged for the purpose of satisfying ambition and revenge, and accused of mendacity by the distinguished Jeremiah Dummer. He was allied by marriage with Governor Belcher. Washburn, *Sketches of the Judicial History of Massachusetts* (Boston, 1840), pp. 176, 178-183; Kellogg, *loc. cit.*, p. 264; Hutchinson, *op. cit.*, vol. ii, pp. 213, 227; Spencer, *Constitutional Conflict in Massachusetts* (Columbus, 1905), p. 37.

officials. Byfield, now nearly an octogenarian, jointly with his subordinates, presented to Belcher soon after his arrival as governor a memorial, the tenor of which seemed to testify to their zeal for the interests of the crown. This paper denounced the recent encroachments of the provincial courts upon the admiralty court, called on the governor to support it against such encroachments, and declared the full intention of the memorialists to state their grievances to the king in council.[1] Presumably no appeal was made to the king in council,[2] and about a year later Belcher, removing from the Suffolk county court of common pleas two staunch upholders of royal interests, made the venerable Byfield chief justice of it and named as associate justice the versatile Boston physician, Dr. Elisha Cooke, equally ready to prescribe for the physical and political ills of the populace. During the next two years these astute jurists sat together upon that bench in a harmony outwardly undisturbed by Cooke's persistent enmity to the admiralty-court jurisdiction.[3]

Shirley must soon have seen that the effort to promote royal interests through the admiralty court in New England without a radical change in the personnel and policy of the

[1] *Suffolk Files*, 30398.

[2] No reference to such a memorial appears in the *A. P. C.*

[3] For Belcher's elevation of Byfield and Cooke, *cf.* Washburn, *op. cit.*, pp. 179-180, 325, 329, 330-331; Hutchinson, *op. cit.*, vol. ii, p. 336. Dunbar had complained to the home government three months before Belcher reached Boston against both Byfield and Cooke; against the former as superannuated and ignorant or partial to the country; against the latter as a popular champion who pleaded all cases against the crown in the admiralty court. (*Me. H. S. Colls., loc. cit.*, vol. xi, p. 26.) Cooke was by heredity the chief foe of the king's prerogative and the chief champion of popular rights in Massachusetts. Father and son of the same name were marked men in the eyes of the home government. They were especially active in promoting the popular uprising against Shute which led that governor to retire to England.

officeholders there under the crown was little unlike the task of Sisyphus. Nevertheless, as an Englishman, with that instinctive, conservative fidelity to his ideals which has throughout the ages made men of that race saints, heroes or fools, he without hesitation and regardless of colonial opposition began attempting to put in practice those conceptions of colonial administration generally held by Englishmen of the official class in America. Devotion to the principles of those laws of England which were applied through the king's prerogative to the plantations, was evidently a cardinal tenet of his political philosophy.[1] Shirley, however, in following this course was listening to ambition as well as to principle, and avowed to the officials at home and to Belcher his intention to win recognition through services to the crown. His earliest case bearing upon controversial questions accomplished little more than to aline him clearly with the prerogative party in New England.[2]

[1] Shirley's attitude in America was consistently loyal to the prevailing ministerial view in England of the binding force of the king's prerogative in the colonies, as exercised by his officials there, and during Belcher's administration this attitude appeared prominently in the English barrister's support of the claims of the admiralty court. Shirley perhaps had considerable familiarity with the civil law, essential as a basis for admiralty court practice, since he brought among his recommendations to Governor Belcher one from Dr. Exton Sayer, advocate-general of the admiralty and a noted English lawyer. *Bel. Ps.*, vol. i, pp. 452-453. Concerning Dr. Sayer, *cf. A. P. C.*, vol. iii, pp. 202-203, 283, 895; Chalmers, *Revolt*, vol. ii, p. 128; *List of Vernon-Wager MSS.*, pp. 27, 30.

[2] In a case in which he was employed a few days after his arrival by the Massachusetts assembly to aid some destitute Palatine immigrants he cut sharply athwart the current of public opinion by bringing suit in the admiralty court, but counter suits developing in the province courts he seems to have been unable to secure justice for his clients. The story of the Palatines and the efforts to obtain redress in their behalf appear in documents found in the *Suffolk Files* and in the Suffolk court records as follows: *Suffolk Files*, nos. 33341, 33260, 33060, 34065, 32932;

Belcher's kinsman, Judge Byfield, of the admiralty court, and his intimate enemy, Dr. Cooke, took seats together upon the bench of the Suffolk County Court of Common Pleas, on December 9, 1731. Almost at once the grand jury impanelled by this court, over which Byfield then began to preside, sought, at the instigation of his versatile colleague Cooke, to show how it could be used to undermine the admiralty court of which Byfield still continued the head. Such procedure was a novelty, since the inferior courts of the province did not possess the right to interfere with proceedings in the admiralty court. Cooke, however, through the grand jury, charged the officials of the admiralty court with "unjustly and extorsively" exceeding the fees fixed for their services by a provincial law. The aim was plausibly stated by Shirley to be "to destroy the court totally by sinking the perquisites and fees of the judge from about thirty pounds a year sterling to fifteen."

This was in truth only one phase of a concerted attack upon the king's prerogative in Massachusetts at that time. Other phases appeared in efforts to open the way for an expansion of the powers of the assembly by abridging the prerogative powers of the governor as defined in his instructions. The attack upon the admiralty court seemed to be intended as a form of intimidation to promote the success of other daring measures hereafter referred to.

Byfield, who seems to have felt no inclination to oppose Cooke until the latter sought to curtail his income as judge

Massachusetts *Admiralty Records*, vol. iii, p. 106; *Minute Book, Suffolk Superior Court of Judicature*, 1731, 1733 (March 4, 1731/2); *ibid., Barnstable and Dukes, Plymouth*, 1731, 1732, 1734, 1736, 1738, 1740 (April 18, 1732). *Cf.* also, Massachusetts *Archives*, vol. xli, fol. 132; Massachusetts *Journal of the House of Representatives*, June 23, 1732, p. 35, July 7, 1732, pp. 59-60; Massachusetts *Council Records*, vol. ix, pp. 257, 352, 356, 369; *Massachusetts Historical Society Proceedings*, vol. iv, pp. 354-356; *Bel. Ps.*, pt. i, pp. 109, 479; *Acts and Resolves*, vol. xi, p. 631.

of admiralty, now employed Shirley as counsel. Cooke's plans were defeated by the latter, who secured an appeal to the privy council despite the refusal of the superior court of the province to allow one. This court, after continuing a number of cases against officials of the admiralty court from session to session, "the attorney-general being indisposed and not able to attend in person," in November, 1732, before the privy council had granted an appeal, dismissed all these cases at one time, without recording the grounds for their action. Before the appeal was granted, also, Byfield was dead, which doubtless prevented the prosecution of it before the privy council.[1]

The result in this matter was not decisive on the issue between crown and province. But Shirley had employed a method of procedure which he was to use again in even more important matters for the defense of the prerogative. He proceeded upon the theory that in all cases of importance, regardless of the sum involved, the court of last resort was the privy council, in which his patron sat as the king's minister for colonial affairs. As counsel for parties concerned he appealed several cases involving public issues to the highest tribunal at home. This directly antagonized the Massachusetts policy, which sought to prevent appeal to the king in council and to make the superior court of the province in practice the court of last resort for all cases coming under its jurisdiction. Shirley's theory was in harmony with the existing legal relationships between province and empire; the policy of the province was prophetic of conditions to come with independence.

Meanwhile Belcher introduced a superficial change of policy. By winking at commercial practices condemned by

[1] For this affair, *cf. Suffolk Files*, 33104; *Minute Book, Suffolk Sup. Ct. of Jud.*, 1731, 1733; *A. P. C.*, vol. iii, p. 384; *Sh. Cor.*, vol. i, p. 3; Washburn, *op. cit.*, pp. 158-159, 319.

Dunbar, by forming an alliance with Cooke, by making early solicitation of the home government for permission to accept annual grants of salary from the assembly in violation of his instructions, and by other measures popular in the province, he avoided prolonged friction with the assembly.[1] In doing so he practically surrendered to the assembly, whose dependent he in substance became. Such perhaps was his intention from the beginning. But Belcher in the nature of things could not be the leader of the assembly, and Cooke, the idol of the people, although friendly to a compliant governor, continued to fight the prerogative no less audaciously than under more conscientious executives. Oil and fire cannot long remain quiescent together and the alliance between the governor and Cooke was about a year old when the former began to show signs of combustion.

In May, 1731, Cooke inspired an application by the assembly to the privy council for the withdrawal of the instructions to the governor said to call for a limit on issues of paper money, a fixed salary for the governor, and a transfer of the treasury "from the care of the House of Representatives" to "the governor and council." Shortly after followed the attack on the admiralty court referred to above, made perhaps by way of emphasis of Cooke's other projects. This was quickly followed in 1732 by a petition of the assembly to the privy council covering the first and third items of that of the preceding year, with instructions to Wilks that if it should be denied, an appeal should then be made to the House of Commons.

Belcher's opposition at Whitehall to the assembly's petitions protected his reputation with the ministry, although he referred to Cooke, their author, without aversion in a

[1] On Belcher's handling of the salary question, *cf. Bel. Ps.*, pt. i, pp. 42-43 and *passim*; Hutchinson, *op. cit.*, pp. 337-338; *A. P. C.*, vol. iii, pp. 261-264; Chalmers, *Revolt*, vol. ii, p. 139.

letter denouncing them to his agent in England, Francis Wilks. However, in the following year there came not only the expected condemnation of the position of the assembly from the privy council, but also a severe denunciation from the House of Commons. This shows, contrary to what seems to have been the general impression, that the Massachusetts government appealed to the House of Commons, not for legislation, nor for direct action of any sort, but only that the House "become intercessors for them with His Majesty." [1] Thereupon Belcher deftly removed Cooke from his judgeship and was gratified to see that the erstwhile popular idol, by partaking of his official bounty, had lost the sympathy of the masses. The people of Boston barely saved him from political death by electing him to the assembly by a margin of one or two votes.[2]

[1] *Cf. ibid.*, p. 135. The action by the Commons follows:

"A memorial of the Counsel and Representatives of the province of the Massachusetts Bay was presented to the House, and read; laying before the House the difficulties and distresses they labor under, arising from a royal instruction given to the present governor of the said province, in relation to the issuing and disposing of the publick monies of the said province; and moving the House to allow their agent to be heard, by counsel, upon this affair; representing also the difficulties they are under, from a royal instruction given, as aforesaid, restraining the emission of bills of credit; and concluding with a petition, that the House will take their case into consideration, and become intercessors for them with His Majesty, that he would be graciously pleased to withdraw the said instructions, as contrary to their charter, and tending, in their own nature, to distress, if not ruin, them.

"Resolved, that the complaint contained in this memorial and petition is frivolous and groundless, an high insult upon His Majesty's government, and tending to shake off the dependency of the said colony upon this kingdom, to which, by law and right, they are, and ought to be, subject.

"Resolved, that the said memorial and petition be rejected."

*Journal of the House of Commons*, May 10, 1733, vol. xxii, p. 145.

[2] For the episode of the addresses, *cf. Bel. Ps.*, pt. i, pp. 226-228, 229-230; *Sh. Cor.*, vol. i, p. 4; *A. P. C.*, vol. iii, pp. 326-334; Palfrey, *Compendious History of New England* (Boston, 1884), vol. iv, pp. 50-52; Hutchinson, *op. cit.*, vol. ii, p. 338; Chalmers, *Revolt*, vol. ii, pp. 135-139.

Belcher's policy was still to seek approval both at home and in the province, and he scored a point when the assembly, convinced of the impossibility of gaining at home the points covered by the addresses, gave up the contest there. Also the discrediting of Cooke helped to make the governor's path easy.

Upon Byfield's death in 1733, Belcher named Shirley judge of admiralty during pleasure. After serving for a brief period Shirley arranged with Belcher to exchange positions with Robert Auchmuty, then advocate-general of the court. Auchmuty held the post of judge until after Shirley became governor, and manifested somewhat the same spirit that was exhibited by the venerable Byfield. Shirley realized that the post was worth less than nothing to an honest supporter of the prerogative, in view of the hostility of the assembly and of prospective clients; and that, if administered to the satisfaction of the assembly, it must probably be a millstone about the neck of a man ambitious for a career under the crown. He made it clear to the Duke of Newcastle that should the home government provide a salary for the post, instead of making it dependent upon fees, he would be glad to hold it. Meanwhile he was too shrewd to accept responsibility without independence of provincial officials, and Belcher, having failed to make him his satellite or to place him where the upper and nether millstones of the British ministry and local opinion respectively would presumably reduce him to dust, deplored to Newcastle that "there is hardly any place here in the gift of the governor worth Mr. Shirley's notice." [1]

Shirley's new post as advocate-general was that of the prosecuting officer of the court of vice-admiralty for the

[1] Facts relating to Shirley's brief judicial career are found in *Massachusetts Admiralty Records*, vol. iii, pp. 135, 136; *C. O.* 5 752; *ibid.*, 899, 74; *Sh. Cor.*, vol. i, pp. 2-4; *Bel. Ps.*, pt. i, pp. 300, 309-310.

northern district. His chief duties related to the enforcement of the Acts of Trade and of the acts of Parliament for the protection of the royal rights in the New England woods. He took office just in time to assume the task of enforcing the Molasses Act of 1733, and is said to have labored faithfully to that end despite strong opposition; but his most conspicuous and doubtless his most important services related to the king's woods. His labors in support of English rights were diverse, arduous, costly of time and money in traveling over the district extending from Rhode Island to Maine, and injurious to his practice of law. These conditions he endured without compensation in the form of salary or fees, even without a lawyer's slight fee when, as he alleged was often the case, he acted upon his own initiative. His proceedings in connection with the king's woods were even less palatable to those affected than in the case of the enforcement of the Acts of Trade; but, as always, Shirley sought to serve at the same time his native country and himself.[1]

Shirley now enjoyed the independence which is possessed by those too poor to be despoiled.[2] Only a boycott of the Englishman by provincial clients could check him in his support of the crown, and since he proved both trustworthy and likable, that was not undertaken. He lost some clients, no doubt, but he also became permanent counsel for one of the wealthiest and one of the most litigious merchants and

[1] For the nature of his new position and of his service in it, *cf.* *C. O.* 5 752; *ibid.*, 899, 74.

[2] His post as advocate-general was perhaps as unprofitable as that of judge of admiralty would have been, but it was one in which he probably could not be successfully attacked before the home government if efficient in the discharge of duty, while had he remained in the latter post judgments in favor of the crown would have lost him clients, while those in favor of defendants could be represented as due to corrupt bargains with those who profited thereby.

landowners in New England, Samuel Waldo. His fortunes were reduced, and judging by the tone of appeals by himself and Mrs. Shirley for his advancement to a lucrative position, desperate; yet he managed to sustain his family until promotion came.[1]

In his activity as advocate-general Shirley touched upon and came to comprehend the nature of the basic differences between New England and the home government. He also came to understand Belcher's political system. Since Belcher contributed next to nothing to the upholding of royal interests in New England save when such action was necessary to his security in office, it was inevitable that those who, like Shirley and the surveyor-general of the woods, were earnest in upholding British interests there should distrust the governor or openly quarrel with him. To understand the course of Shirley one must first understand the policy of Belcher and that of the provincial statesmen of his day.

The basic policy of Belcher was to remain popular in New England by allowing to its people that which they were most insistent upon possessing, opportunity to develop the natural resources of their country and to utilize them freely through commerce. The knowledge that the governor favored this policy, in connection with sundry devices of political strategy, kept the Massachusetts assembly usually willing to vote annual grants, howbeit influenced by a prudent economy and a growing dislike of Belcher as years passed. In New Hampshire this policy drew to the support of Belcher a minority made up of, first, a small group of propertied men, whose prosperity was dependent upon success in evading the laws for the protection of the woods,

[1] Records of a long list of cases conducted by Shirley for Samuel Waldo, which were in several instances appealed to the king in council, are found in the *Suffolk Files*. The straits to which he and his family were reduced appear from *Sh. Cor.*, vol. i, pp. 10, 38.

and second, a rough and well-nigh lawless contingent of woodsmen, whose livelihood was secured by supplying the sawmill and ship-owners with the chief source of income to all alike, namely, the trees reserved for the crown.

On the other hand, Belcher alienated from him the majority of the people of New Hampshire, chiefly upon the boundary issue, since he aided Massachusetts in the controversy. Local patriotism in New Hampshire kept a majority of the assembly there consistently hostile to Belcher when his policy was once understood, but the governor, as the protagonist of his section, represented a larger patriotism. For the general interests of New England would be promoted by confining the royal province of New Hampshire to narrow limits, or still better by absorbing it within the much freer government of Massachusetts Bay.

Belcher's indirect methods exemplified highly developed art. They not only prevented the contemporary home government from getting a clear view of his intentions, but they also effectually obscured the vision of the old-school historians of New England, so that a lucid and comprehensive narrative of his administration is still to be written.[1]

Massachusetts had been developing since her foundation an imperial policy which tended toward the absorption of all New England. After the colonies to the south of her had organized their governments under royal charters and were too firmly established to be submerged and too free

[1] His contemporary, Hutchinson, did not attempt to give such an account, not improbably because he was on intimate terms with Belcher and had supported his policy in regard to the New Hampshire boundary and other matters, and because he was, despite his later service as a royal governor and his loyalty to the crown at the Revolution, in essential sympathy with the Massachusetts position under Belcher. *Cf. Bel. Ps.*, pt. ii, pp. 77, 334, 336, 341-343, 380, 386-390, 409, 426, 522, 523, 537, 542; *The Diary and Letters of His Excellency, Thomas Hutchinson, Esq.*, ed. by P. O. Hutchinson (Boston, 1884-1886), vol. i, p. 51; Hutchinson, *Hist. of Mass.*, vol. ii, pp. v, 331-358.

to be a menace to her institutions, she reached out toward a dominion of northern New England which, if her measures had been unchecked, would logically have become a great commonwealth, under the Massachusetts charter, stretching from New York to the St. Croix river or beyond, and from Connecticut to Canada. This ambitious program, indicated by the logic of events, was in this period opposed in New England chiefly by New Hampshire, influenced by a local patriotism, and by the personal aspirations of politicians who could not hope for distinction under Massachusetts.

The Massachusetts policy had been rudely interrupted when the arbitrary Andros came to New England as the last emissary of Stuart absolutism, and the interruption was made permanent when New Hampshire was not included in the territory of Massachusetts under the second charter. There now gradually developed a substitute policy of unobtrusive penetration to the northward, under the guise of occupying lands claimed by New Hampshire but said to belong to Massachusetts under the extremely inconclusive boundary stated in the Massachusetts charter. This was easier to carry out since one governor presided over both provinces.

The encroachments upon New Hampshire whereby that little province was well-nigh surrounded by a rising tide of settlement were merely a part of the general policy of expansion in which Massachusetts was engaged. Another portion of this movement was taking place in disregard of British restrictions in the country east of New Hampshire.

Massachusetts in the colonial period had established a government which displayed a marvelous degree of centralized power under frontier conditions. The carefully directed expansion of the colony and province which followed the first dispersion of the early settlers in search of homes had

been carried out through the progressive incorporation of towns by the legislature where and when it seemed wise; these towns, under the supervision of the colonial government, serving in many instances as the marches of the commonwealth.

By a process familiar to students of the evolution of institutions, Massachusetts now adapted this old machinery for colonization and local government to new conditions. Elisha Cooke was the provincial statesman who saw the opportunity and animated New England to seize it.

In its earlier stages Cooke's strategy was directed primarily toward the settlement and control of the former province of Maine. The jurisdiction of Massachusetts there was clear, but Cooke desired the organization of towns as a means of insuring beyond a peradventure that the New Englanders should enter into the land and possess it, including the mast trees which the crown so eagerly sought to reserve. The Massachusetts officials were also charged with seeking the same ends in laying out towns in districts claimed by New Hampshire, in addition to the obvious effort to secure jurisdiction over the territory. This process was well begun while Shute was governor, and a phase of the activities of the Massachusetts assembly in Maine led to his return to England in 1723 to register his vigorous complaint against the attitude of the province toward the king's woods.[1]

[1] Cooke had evolved the interesting theory that in lands now held by Massachusetts Bay in Maine, although a part of her domain and as yet mostly ungranted by her to private persons, it was nevertheless beyond the power of the crown to reserve mast trees, inasmuch as that district in its entirety had been in private ownership through the proprietorship over it granted to Sir Ferdinando Gorges, which proprietorship, Cooke declared, had been passed on by purchase to the colony of Massachusetts before 1691. Cooke held further that the rights of the colony of Massachusetts to Maine had been vested in the province by the inclusion of that territory within its limits by

Even as Shute voiced his complaint the process was going on apace all along the northern frontiers under the not unfriendly eye of his lieutenant-governor, William Dummer, a native of the province, too prudent to violate his instructions conspicuously, but too sympathetic with his country to object to the negation of their spirit. In 1727, just as the contractor for masts for the crown was being forced by the scarcity of suitable trees to shift his base of operations from New Hampshire to Casco Bay in Maine, the Massachusetts assembly proposed to survey a line of towns to extend from Berwick on the New Hampshire frontier to Casco Bay. It had been proposed in the preceding year, but not voted by the council, that surveys be made for lines of towns extending from Northfield on the Connecticut to Dunstable on the Merrimac, and from Dunstable north on both sides of the Merrimac to Penacook or Concord. This proposal was now joined with that for a line of towns in Maine. The lower house did not then succeed in getting adoption of wholesale plans for promoting colonization through committees to be named for the purpose, but surveys for the various lines of towns were then made and the plans were later quietly put into effect from time to time by the creation of single towns.

the charter of 1691. Under this theory Cooke was buying and selling lands in the Maine forests, even outside townships, regardless of the reservation of mast trees.

The province government, however, was giving as much color of law as possible to private claims by the granting of townships in the mast country, as a kind of argument could be made that such grants made the trees within them private property even though the grant came after 1691.

For this phase of the New England situation, *cf. A. P. C.*, vol. iii, pp. 93-94; vol. vi, p. 164; Matthews, *op. cit.*, pp. 66-67; Hutchinson, *op. cit.*, vol. ii, pp. 223-225, 228-230, 260-261; *Bel. Ps.*, pt. i, p. 194; Sullivan, *op. cit.*, pp. 111-154, 159-165, 179, 284-304 and appendix; Lord, *op. cit.*, pp. 113-115; Andrews, "List of Representations," *Am. His. Assoc. Rep.* for 1913, vol. i, p. 368.

This plan was extended for more intensive encroachment upon New Hampshire as the efforts of the latter to secure a settlement of the boundary dispute became more strenuous. In 1736 a committee was named to survey and grant to settlers and to supervise the settlement of a double line of towns from Penacook to the falls of the Connecticut and another line southward upon the eastern bank of the river from that point to Winchester, thirteen in all. By an early grant of Penacook, by rewarding the descendants of those who had fought in previous wars with grants of newly surveyed townships, many of which were in the area in dispute with New Hampshire, and by the creation of three towns on Ashuelot river, fourteen other townships in New Hampshire had been granted by Massachusetts before commissioners for the settlement of the line met at Hampton, August 1, 1737. These hastily-made grants were not yet fully settled when the boundary award negatived the ambitions of Massachusetts to confine New Hampshire to a harbor and its immediate hinterland. However, the alleged purpose of settling the more advanced lines, the defense of the frontiers, could no doubt have been more effectively attained under the control and with the backing of the immeasurably greater resources of Massachusetts. As it turned out, a considerable body of Massachusetts settlers who had found homes in New Hampshire, gave much needed strength to its frail structure, and made appreciably easier the political leadership which the larger province maintained of its weaker neighbor until after the Revolution.[1]

Belcher's share in these matters will make a prettier study in intrigue for a future biographer than usually falls to the

[1] For the expansion in Maine and the encroachments upon New Hampshire *cf. New Hampshire Provincial and State Papers* (Concord, etc., 1867-1915), vols. iv, xix, xxiv; *A. P. C.*, vol. iii, p. 184; Fry, *New Hampshire as a Royal Province* (New York, 1908), pp. 243-261.

lot of the historical investigator. He was clearly partisan in the interest of Massachusetts, though representing himself at home as sympathetic with New Hampshire, and he omitted no obvious device to prevent a settlement unfavorable to Massachusetts Bay. He understood that a victory for New Hampshire would presage his removal as governor of that province, and perhaps from his post in Massachusetts. To that extent he appears less the patriot and more the parasite upon the body politic. Shirley was not at first drawn directly into this controversy. Later, when hostility broke out between the two men, he testified to the methods of administration in New Hampshire employed by Belcher in connection with his fight there to maintain his supremacy as governor, and thus became an important factor in discrediting the latter at home.

While Belcher and the popular party in Massachusetts were thus mutually helpful to their respective interests, a situation developed in the country east of New Hampshire which caused much wrath to both, and gave an opportunity to Shirley to render a service to the crown both considerable and conspicuous. The train for this eruption had been laid by the conflict between provincial and imperial interests there, in the interplay of which private interests had sustained an important part.

While Dunbar, as *de facto* governor of the mythical province of Georgia, was causing fury and misgivings to the people of Massachusetts in general and to the individuals who possessed more or less valid titles to lands in the area afflicted by his harsh measures in particular, Samuel Waldo came forward as the Sir Galahad of New England and the protagonist for the grantees of lands in dispute. Having been assured of a generous reward if successful in securing recognition of the title to the lands east of the Kennebec claimed by himself and others, Waldo set out for England.

He was then described by David Dunbar as one of "Dr. Cook's violent ones," and his petition to the privy council was on behalf of a group of proprietors which included Cooke, the steady opponent of the king's prerogative. Despite this handicap in the eyes of the English government Waldo possessed some elements of strength in his application. He was the agent in New England of the contractor for masts for the royal navy, he appeared on behalf of vested interests, always tenderly regarded by the privy council, and he was not a representative of the provincial government, always suspected of improper motives.

The privy council, after considering the claims of proprietors in the disputed district, known as Sagadahoc, the memorial of the Massachusetts general court claiming jurisdiction over it and the opinions upon the whole matter of the attorney-general and solicitor-general, indorsed the claims of private individuals to lands there and the right of the Massachusetts government to general jurisdiction over it. This judgment, however, was only partially a victory for the province. Under the provincial charter this territory was under the control of the provincial government but could not be granted to private individuals without the consent of the crown. As a result settlements there had been made by private initiative under authority of royal grants made before the country came under Massachusetts control, and these had been known as plantations or "towns" without being incorporated as such.[1]

While Dunbar was uprooting the settlements there, the provincial government had attempted to assert a doubtful jurisdiction over the region through the officials of York

[1] A clash of interest between the grantees and the province developed which in a later stage took the form of litigation involving the crown and the province. At this point Shirley appeared as the representative of the crown's interests.

County. This was met by an order in council of November 12, 1730, forbidding the exercise of the authority of Massachusetts in the district during the pendency of the issue with Dunbar. The decision of the privy council on Waldo's petition, while recognizing that Sagadahoc lay within the jurisdiction of Massachusetts, explicitly pointed out the charter provision limiting the right of the province to grant lands there to individuals. Therefore when the crown recognized the title of Waldo and others to lands in this district, inasmuch as their settlements had not been incorporated as towns it asserted for the proprietors of these settlements a freedom to proceed with their plans. In the nature of the case this gave them semi-independence of the provincial government; for the officials could not specify conditions of settlement such as were placed in town charters, or maintain the same closeness of supervision that was exercised over the formally incorporated towns.[1]

Waldo now held a large area east of the Kennebec, was a royal agent known to be interested in the preservation of mast trees, and began applying his restless energy and ambition to the execution of large plans for the settlement and development of the domain which had been awarded him. He soon encountered difficulties in his undertakings in the eastern country and attributed his troubles with some reason to Belcher's influence. Before the end of 1733 the two men were on terms similar to those previously existing between the governor and David Dunbar. Throughout the remaining years of his governorship Belcher in letters to his friends and to officials at home showered wrath, scorn and innuendo upon this antagonist, who in return made the

[1] For the controversy over titles and jurisdictions in Sagadahoc, *cf. supra*, p. 32; *A. P. C.*, vol. iii, pp. 275-283; vol. vi, pp. 225-230; *Me. H. S. Colls., loc. cit.*, vol. xi, pp. 2-3, 20-21, 25-29, 152-153; Lord, *op. cit.*, pp. 51-55; Palfrey, *History of New England* (Boston, 1858-1890), vol. iv, pp. 568-569; Hutchinson, *op. cit.*, vol. ii, pp. 339-340.

care of his estate an avocation, conducted in large measure through the hands of Shirley, and his vocation the ending of Belcher's career as governor.[1]

In the summer of 1733 Dunbar sought to make peace with the governor and at the same time proposed to bring the country about Pemaquid under the Massachusetts authorities. Upon the withdrawal of the garrison to Nova Scotia Belcher seized the apparent opportunity to abate the opposition of his chief opponent in America. Soon after, Belcher's hopes of securing the appointment of a different lieutenant-governor for New Hampshire were dashed by news from home, and he then turned to schemes for persuading Dunbar to resign. Meanwhile the governor and his lieutenant were superficially friendly. Soon it appeared that the governor had not reduced his claims to control in New Hampshire, or changed his policy in matters relating to Dunbar's duties as surveyor-general, and that the latter proposed merely a personal *rapprochement* but continued his claims and opposition to the governor in England, and his support of royal interests in America.

So it fell out, that while Waldo was being exasperated, the governor, upon receiving favorable accounts of the attitude of officials at home toward his conduct, deliberately broke again with Dunbar, which resulted in a general al-

[1] The difficulties of Waldo in the Penobscot country were, at least superficially, largely through the Indians, who annoyed his settlers and threatened his settlements. (*Me. H. S. Colls., loc. cit.*, vol. xi, pp. 149-172.) They seem, however, to have been secretly encouraged to oppose Waldo's claims by interested whites. (Shirley to Board, Mar. 12, 1744, *C. O.* 5 884, Ff, 23.) Belcher later made the inadequate explanation that he was prevented by treaties formerly made with the Indians from supporting Waldo's claims.

For the development of the feud between Waldo and Belcher, *cf. Bel. Ps., passim; Sh. Cor.*, vol. i, p. 8; *N. H. Pr. Ps.*, vol. iv, pp. 14-15, 846; vol. xviii, pp. 6-7, 37, 159-160; Palfrey, *Comp. Hist.*, vol. iv, pp. 136-137; Johnston, *op. cit.*, p. 472; Williamson, *op. cit.*, p. 177.

liance of his enemies in New England led by Elisha Cooke, Dunbar and Waldo.

This was the turning point of Belcher's career, for from this time the opposition of all faithful servants of the crown in New England was reenforced by the personal animosity of a group of able men whose cherished plans had been shattered by the governor. They ultimately made his position untenable in England.

Contemporaneously with the development of the feud between Waldo and Belcher, which in its public aspect related to the administration of the lands between the Kennebec and the Penobscot, the Massachusetts legislature became aggressive in forwarding their plans for the domination of the former province of Maine, lying between the Kennebec and New Hampshire.[1]

This activity of the Massachusetts legislature was in the nature of a challenge to the representatives of the king's prerogative in the country west of the Kennebec and was accompanied by the governor's efforts to establish the provincial control over the eastern country through the officials of York county. If he should succeed, the future development of the country east of the Kennebec would naturally be directed by the province rather than by the crown.

The challenge was quickly accepted, probably the more quickly because of recent happenings east of the Kennebec. Waldo acting for Gulston, the contractor for masts for the royal navy, at some time during the winter of 1733-4, sent workmen into a tract of woodland located in Berwick with directions to cut certain mast trees growing there which

[1] On November 6, 1733, the two houses of the legislature named a joint committee to supervise the settlement of Berwick, Maine, close to the New Hampshire border, on the western end of the line of towns planned in 1727, to extend from Berwick to Casco Bay. *Cf. supra*, p. 53; *Jour.*, p. 106; *Ct. Recs.*, vol. xv, p. 470. *Cf.* also, Sullivan, *op. cit.*, pp. 245-248.

had previously been viewed and "allowed" for masts by Dunbar as surveyor-general. The trees were accordingly cut, whereupon this defiance of the popular theory that the crown had no right to mast trees within any township, was at once taken up by the alleged owner of the tract upon which the trees stood.

The result was a legal battle in which suit was brought against the workmen and prosecuted against one of them. Thereupon Waldo requested Shirley to defend his employee, and when both the inferior and superior courts of the province decided against him, advanced the money to pay the execution, and also to support an application for an appeal to the privy council. This application, upon Shirley's petition, was allowed by that body despite the refusal of the superior court to permit an appeal. The issue was won by Waldo in law before the privy council, but the decision proved unenforceable in America at this time because of the essential refusal of both courts and governor to take steps to carry it out, despite the peremptory mandate of the privy council to both.

This case, that of Frost *v.* Leighton, was a test case in which the real parties in interest were, on the one side the crown's officials concerned in the preservation of mast trees, and on the other the province of Massachusetts Bay, including all branches of its government. The litigation was not welcome to the province, but was unavoidable unless it was ready to admit defeat when Waldo and Dunbar carried the issue into the townships in defiance of the Massachusetts polity in the frontier districts. The province made it a public issue by supplying Frost with funds with which to maintain his defense against the appeal to the privy council.

The net result of the efforts to enforce the decision was for the time being the enunciation by the superior court of a thinly veiled claim to judicial independence of the privy

council, on grounds to be found in the provincial charter and the laws enacted under it. The conclusion of the case was reached only after Shirley became governor.[1]

While this issue was being contested in England the immediate advantage as well as the probable ultimate advantage was so palpably with the provincials that all persons interested in the exploitation of the woods displayed a new boldness. This appeared notably in the affair in New Hampshire in the spring of 1734 known as the Exeter riot. Dunbar, after the truce between himself and Belcher had been dissolved, remained in New Hampshire in the effort to enforce the king's rights in the woods. A crisis came in April, 1734, when Dunbar, while in the performance of his official duty, was insulted by men in the woods, apparently loggers. At about the same time, also, he, as surveyor-general, sent some men to Exeter to act for him and they were viciously assaulted by a group of unknown roughs. Dunbar then assumed the position of acting governor in the absence of Belcher, but the New Hampshire council refused to act with him to bring the offenders to justice. Belcher, although professing to uphold law and order, so proceeded that no one was arrested for the offense, and the lumber from condemned logs which was at issue was

[1] For accounts of the case of Frost *v.* Leighton from the point of view of constitutional law, *cf.* articles by Andrew McFarland Davis in the *Am. His. Rev.*, vol. ii, pp. 229-240, and in the *Pub. Col. Soc. Mass.*, vol. iii, pp. 246-264, and for a more concise discussion, Schlesinger, in the *Political Science Quarterly*, vol. xxviii, pp. 434-437. The action of the privy council in the case is given in *A. P. C.*, vol. iii, pp. 461-470. *Cf.* also Shirley to the Admiralty, May 6, 1739, *Ad.* I, 3817; *Bel. Ps.*, pt. ii, pp. 250, 276; Popple to Attorney-general and Solicitor-general, Sept. 18, 173[5], *C. O.* 5 917, 146; ditto to ditto, Jan. 15, 1736, *C. O.* 5 917, 155; ditto to ditto, Feb. 18, 1736, *C. O.* 5 917, 157; Frost to General Court, Dec. 17, 1735, *Ad.* I, 3817; Popple to Wager, Feb. 12, 1736, *C. O.* 5 917, 156; Popple to Attorney-general, May 4, 1736, *C. O.* 5 917, 166.

carried off before any effective action was taken by the governor to secure it for the crown. The evidence is strong that the New Hampshire local officials as well as a large majority of the council were then not only loyal members of Belcher's political machine, but also in sympathy with, and very often personally interested in, the lucrative business of turning the king's mast trees into merchandise.

This affair was inevitably followed by complaints by Dunbar at home against the governor and by complaints by the governor's supporters in New Hampshire against the surveyor-general, the latter apparently being prepared with the governor's knowledge and not improbably at his instigation.[1]

During the remaining years of Belcher's administration the frontiers of New England continued to be the scenes of successful encroachment upon the legal rights of the crown in the woods, and the venomous feud between governor and surveyor-general dragged on its wearisome length. The lawless loggers of the frontiers had won a victory; but the governor, encumbered by ministerial observation, was riding to a fall which was inevitable despite the obtuseness, irresolution and dilatoriness of the officials at home. The chief forces which were to bring about his overthrow had already been set in motion. The governor's humiliation and Shirley's coincident success will be the theme of the succeeding chapter.

[1] *Cf.* upon this episode, Shirley to the Admiralty, May 6, 1739; Dunbar to Shirley, Apr. 29, 1734; Matthew Livermore to Shirley, May 2, 1734; Dunbar to Shirley, May 3, 1734; and Dunbar to Belcher, June 20, 1734, all in *P. R. O., Ad.* I, 3817. *Cf.* also, *Bel. Ps.*, pt. ii, pp. 45-92, *passim; N. H. Pr. Ps.*, vol. iv, pp. 678-680, 840, 872, 874; vol. xviii, pp. 52-57; Bell, *History of the Town of Exeter* (Exeter, 1888), pp. 72-75.

## CHAPTER IV

### The Downfall of Governor Belcher

After Dunbar appeared to seek friendly relations with Belcher in the summer of 1733, the latter gave every evidence of believing that he had won at all points, and confided to his trusted lieutenant in New Hampshire, Richard Waldron, that he would from this time follow a new policy. This, it seemed, was to be one of proscription of all who were not submissive to the governor's will. He professed to have letters from England showing a high degree of approval of his administration. The governor, however, was oversanguine. Shortly after he announced this policy, he learned that letters from Newcastle and Lord Wilmington formally approving his administration could not be secured, and his position was still further embarrassed when complaints of the ugly-looking happenings in New Hampshire in the following spring reached England. Before these matters were known in England, however, the board of trade, under the leadership of Bladen, had subjected his agents, Richard Partridge and Jonathan Belcher, Jr., to marked humiliation at a hearing. A report of the affair circulated in America even alleged that the son had been forbidden ever to appear again before the board.[1]

From this time the governor on the whole held his own in America until the closing years of his administration,

[1] For this phase of Belcher's policy and its results, *cf. Bel. Ps.*, pt. i, pp. 317, 404; pt. ii, pp. 196, 227-230, 506, 513, 524, 556; *List of Vernon-Wager Mss.*, pp. 45, 46, 47, 50.

but gradually lost control of the situation in England, where his enemies concentrated their attack upon him. Aside from the inertia of the clumsy and intricate British system of colonial administration, always favorable to a governor under attack (if ably represented in England), Belcher now relied chiefly upon two of the king's ministers, Sir Charles Wager, First Lord of the Admiralty, and Lord Wilmington, President of the Privy Council. With the former he was on terms of some intimacy, which the governor relied on to secure support for his acts from other members of the cabinet. Lord Wilmington, a personage of much dignity but also of much inertia, seems never to have reached a clear judgment as to Belcher's reliability as a royal servant until the latter was about to be removed from his governments.

During the earlier phases of the governor's contest with his enemies Shirley maintained an attitude correctly impartial. He worked officially with Dunbar as surveyor-general but without obvious personal animus toward the governor. When Dunbar stopped ships loaded with boards sawed from logs condemned for the king's use, when passing the fort at the outlet of the Piscataqua, and asked Shirley's opinion of his power to do it, the advocate-general expressed doubt of his right, and the surveyor-general desisted. Shortly after, however, when Dunbar asked his opinion as to his right to serve as acting-governor of New Hampshire in the absence of Belcher from the province, Shirley upheld his right so to serve. The governor, always ready to purchase support with petty and showy baubles, secured Shirley's oral and written advice regarding his son's procedure as a student at the Temple, and finding Shirley favorable to Dunbar's claims, admonished his son to answer Shirley's letter "in the strongest politest manner." [1]

[1] Belcher illuminates these matters in the following pages of his cor-

The governor, however, was prepared to offer no largess to the struggling barrister beyond the unsubstantial specie of fair words. Shirley evidently saw that he could neither count upon the governor's support, nor, at that time, attack him openly with safety. Dunbar, when he sought Shirley's opinion upon the points at issue between himself and Belcher, was meditating an early trip to England to carry his complaints before the ministers there; but he did not go at once.[1] Hence Shirley's opinion did not receive the prominence in England that it might otherwise have had.

Shirley had almost from his arrival sought promotion to a lucrative office in America, at first with no better title than his capacity and the duke's friendship. Shortly after his arrival in Massachusetts, Mr. Bradley, the king's attorney-general in New York, hearing that Shirley was applying for his post upon a "mistaken" report of his death, pleaded on behalf of himself, his wife and seven children that he might not "loose" his position so long as he behaved "unblameably" in it. Mr. Bradley's vested interest in his position was not disturbed. When Dunbar planned to dispose of his positions as surveyor-general of the woods and surveyor of the king's lands in Nova Scotia in 1733, Shirley tried to arrange to purchase the commissions, but Dunbar finally retained them. When in the next year the collectorship of the customs in Rhode Island was vacant, application was made to Newcastle on Shirley's behalf for that post; but although the duke remembered him kindly the post was bestowed elsewhere. Belcher had another candidate, but he seems not to have been appointed. With perseverance and apparent optimism which one must admire

respondence: pt. i, pp. 80-81, 128, 186; pt. ii, pp. 54-55, 66, 82, 92 and note, 98, 122, 125, 126, 147, 154, 155, 161. *Cf.* also *N. H. Pr. Ps.*, vol. iv, p. 874; Dunbar to Shirley, Apr. 29, 1734, *Ad.* I, 3817; Shirley to Dunbar, May 6, 1734, *Maine Historical and Genealogical Recorder*, vol. vi, p. 504.

[1] Dunbar to Shirley, April 29, 1734, *Ad.* I, 3817.

Shirley soon after sought through the Duke of Newcastle a salary as advocate-general of the court of admiralty. Belcher on this occasion recommended that Shirley be allowed "some salary." No action at home seems to have followed this application.

Two years later appeared the best opportunity which had yet arisen for him to get his claims considered at home. The belief that things were radically wrong with the king's woods in New England apparently was now generally held by the ministry. Thereupon Newcastle wrote Belcher with convenient vagueness urging that he care for the woods, and later Sir Charles Wager asked the governor to send over the draft of a bill to be passed by Parliament for the protection of the woods. Shirley's services and training as advocate-general made him a well-qualified person to draft the measure requested and Belcher therefore acted reasonably, if astutely, in directing him to prepare it. Shirley prepared a draft of an act providing for vigorous procedure against mill men and shipowners concerned in sawing condemned logs or transporting away the lumber from them without the direction of the surveyor-general or his deputies. That this opportunity might be turned to full account he arranged that Mrs. Shirley should serve as the messenger to deliver the draft to the Duke of Newcastle, and also to deliver a letter from Belcher recommending that Shirley be allowed a salary as advocate-general. In this letter Belcher courteously damned Shirley's draft with carefully restrained disparagement which leaves the reader unable to assert with confidence whether the "honour and reputation" which he declared had characterized the career of Mr. Shirley in America were to be understood as the qualities which might be expected in a Caesar or in a Brutus.

A few months later Shirley appeared again as the protagonist for the crown's rights in the woods. He now

transmitted to the duke a case prepared for the opinion of the attorney-general and solicitor-general bearing upon the rights of the crown in the former province of Maine. He further suggested the purchase of the rights of Mr. Usher in that district, if they should be found valid,[1] and finally ventured to suggest the somewhat grandiose project of uniting New Hampshire, the former province of Maine and the country east of the Kennebec in a single royal province. He expressed confidence that this could be accomplished by proper management without causing difficulty for the ministry. This case was presented by Dunbar to the board of trade, and by their direction was submitted to the auditor of the plantations. No record of further action upon it appears, although the statement of the value of the eastern country seems to have remained in the minds of the board.[2]

The needy barrister at the beginning of 1737 caught at a chance to apply for the post of attorney-general of Virginia reported vacant by death. Once more he suffered disappointment.[3]

[1] The Mr. Usher referred to was apparently a son of John Usher, a merchant of Boston and former lieutenant-governor of New Hampshire. The elder Usher had purchased the province of Maine from the grandson of Sir Ferdinando Gorges, the original grantee, and transferred his title, so far as possible, to the colony of Massachusetts Bay in 1678. Later Mr. West, as counsel for the board of trade, gave his opinion that the colony did not possess the power under its charter to purchase Maine. If this opinion represented good law the title to Maine had, since its transfer to John Usher, been vested in him and his heirs. Shirley seems to have referred to this alleged title in his letter to the duke. *Cf.* Chalmers, *Opinions*, pp. 133-137.

[2] *Cf.* Dunbar to Board, Feb. 8, 1743, *C. O* 5 883, Ee, 75.

[3] For Shirley's efforts to secure office and salary previous to Mrs. Shirley's arrival in England, *cf. C. O.* 5 1093, 110; *Sh. Cor.*, vol. i, pp. 4-5, 6-8, 10-11; Shirley to Newcastle, Nov. 19, 1734, *C. O.* 5 899, 74; *Bel. Ps.*, pt. ii, pp. 33, 38, 460; Belcher to Newcastle, Nov. 26, 30, 1734, *C. O.* 5 899; Belcher to Newcastle, July 8, 1736, *C. O.* 5 899, 164; Shirley to Newcastle, July 19, 1736, *C. O.* 5 899, 171; Draft of bill to be passed by Parliament, *C. O.* 5 899, 184; Shirley to the King, *C. O.* 5 752.

Meanwhile Mrs. Shirley entered upon her mission in England as her husband's representative with great energy, ability and tact. She probably reached London in the early autumn of 1736. She found the Duke of Newcastle at first too busy to be approached, but got Shirley's petition before him through his more accessible brother, Henry Pelham. Meanwhile she had made the acquaintance and secured the backing of the chief men on the board of trade. The duke had told his brother that he would do what he could for Mr. Shirley, and she was informed that the next step would be a reference of the petition to the admiralty or to the board of trade. Preferring the latter to Belcher's friend, Wager, at the admiralty, she wrote a letter to the duke begging that the reference might be to Bladen and his associates, who, she stated, were "well informed of the affair, and much disposed to assist me in it." Her appeal was filled with the humility of helplessness and the energy of desperation. It won her point and the matter was referred to the board of trade. At the same time Mrs. Shirley made an alternative plea that Mr. Shirley be named secretary of New York, should that post become vacant. This proved to be one more phantom opportunity.

Relatively rapid action was secured upon the petition for a salary and on May 19, 1737, the board reported in favor of granting the petition. The absence of further record of official action upon the matter indicates that either opposition or inertia appeared in the privy council.

Perhaps it was not much after this that Mrs. Shirley petitioned the commissioners of the treasury for Mr. Shirley's appointment to "the post of collector of the customs at the port of Boston, or some other of like value, as soon as any vacancy shall happen." In November, 1737, a conference was arranged between the duke, Mr. Pelham and Sir Robert Walpole upon the subject of a "petition of Mr.

Shirley." Since posts in the customs service in America came under Sir Robert's jurisdicton, it is not unlikely that the petition related to the collectorship at Boston. Not improbably, also, the duke referred to the same matter on July 23, 1738, when he assured Mrs. Shirley he would "repeat my solicitations to Sr Robert Walpole, for the employment that you formerly mentioned to me, which is in the gift of the Treasury." Apparently at this time, or earlier the duke recommended Shirley "to His Majesty for some post in the customs in America."

Meanwhile, Mrs. Shirley, at her first audience with Newcastle, perhaps early in 1737, had mentioned the position of naval officer at Boston. This was a post which Belcher had given to his son-in-law, Byfield Lyde, upon assuming the governorship, and when later directed by the ministry to appoint a Mr. Pemberton to perform its functions had done so with an ill grace, followed by repeated efforts to restore his son-in-law to his former sinecure. On January 2, 1738, Shirley wrote to Newcastle upon the subject. He had information that a prominent financier and dissenter, Holden, acting for Belcher had secured a half promise from Sir Robert Walpole that his son-in-law, Mr. Lyde, should be restored to his post. When, therefore, Mr. Lyde sailed for England to plead his cause, Shirley appealed to the duke on his own behalf in case any change should be made. Shirley added that the governor, in an effort to prevent him from applying for the post, "threatens me with his displeasure, if I do; and tells me, if I should succeed, he shall be very troublesome to me." He therefore begs "that I may not be left in a situation which may expose me to the ill usages of this or any future governor." Thus, apparently, did Belcher and Shirley fall out.

Since Shirley burned his bridges behind him in making this application, it is not surprising to find that some time

before midsummer of 1738 Mrs. Shirley was applying to the duke on his behalf for "the government of New England." But it was not a propitious time, and the duke soon answered with assurances of good will indeed, but with the statement that he knew nothing of a probable vacancy in the government of New England nor of a vacancy in the position of naval officer. However, he pledged his support to secure his appointment as chief justice of New York, in case the incumbent of that office should be removed. This, with his promise already noted to seek again Sir Robert Walpole's backing for a position for Shirley under the treasury, was all the duke was able to do for his protégé at that time.

It was apparent, however, that Newcastle was now genuinely interested in the fortunes of the Shirleys and was committed to the support of his application for some financial amelioration through the government, and that Belcher's position was now sufficiently weak at home to lead Mrs. Shirley to suppose that he might soon be displaced.[1]

Belcher's position at home was indeed becoming uncomfortable. His subordination of New Hampshire interests to those of Massachusetts, especially in regard to the boundary dispute, had resulted in the naming of an agent of the New Hampshire assembly to seek a settlement of the

[1] For matters relating to the efforts chronicled above on Shirley's behalf from Mrs. Shirley's arrival in England, *cf. Sh. Cor.*, vol. i, pp. 8-12; Board of Trade to the King, May 19, 1737 (Prof. Andrews' reference to this report of the board of trade in *Am. His. Assoc. Rep.* for 1913, vol. i, p. 378, describes it as dealing with "Mr. Shirley's petition for a fixed salary as attorney-general." Mr. Shirley's office was that of advocate-general); Thomas Pelham to ——, Nov. 3, 1737 and Frances Shirley for Wm. Shirley, to the Commissioners of the Treasury, all in *C. O.* 5 752; Board of Trade to Newcastle, May 19, 1737, *C. O.* 5 917, 218; Shirley to Newcastle, Jan. 2, 1738, *C. O.* 5 899, 239; *N. H. Pr. Ps.*, vol. xxiii, p. 186. *Cf.* also, Palfrey, *Comp. Hist.*, vol. iv, p. 136.

boundary and later to seek also the naming of a separate governor for New Hampshire. John Rindge, a New Hampshire merchant with business in London, was originally given this commission, October 7, 1731, and he served his cause well by enlisting as his successor, John Thomlinson, a London merchant of remarkable energy, ability and soundness of judgment, who was approved for the post, January 11, 1734.[1] His success in securing a settlement of the boundary question in a manner favorable to New Hampshire was one of the severest blows to Belcher's policy and prestige.

Moreover, Belcher seems to have acted with doubtful wisdom upon his accession in demanding that his lieutenant-governor in New Hampshire, John Wentworth, renounce all claim to salary there save so far as he might receive it as the governor's bounty. It was said that the death of the proud but helpless lieutenant-governor, December 2, 1730, after only a brief tenure under the arrogant Belcher was one of heartbreak at treatment which he could not effectively resent. However, his son, Benning Wentworth, became a bitter opponent of Belcher's administration in New Hampshire, and, going to England on business, joined the gathering clans of the governor's enemies in London. Also Theodore Atkinson, a prominent man and son-in-law of Lieutenant-Governor John Wentworth, turned against Belcher, and with Dunbar's backing was forced into the governor's council against his protest. and vigorously fought him until he was removed. David Dunbar, also, after remaining a thorn in Belcher's side in New England until 1737, decided to appeal to the ministers at home in person in favor of an effective policy of protection of the king's woods. In doing so the chief onus of his discontent fell upon Belcher. In fact, Dunbar, upon arriving in London,

[1] *N. H. Pr. Ps.*, vol. iv, pp. 612, 655.

made a general onslaught upon the governor charging him openly with disloyalty to the imperial government and its policies.

Samuel Waldo, also, after involving Belcher in the case of Frost *v.* Leighton, forgathered with the other insurgents in London.

Still another addition was made to the London junto, when the Massachusetts assembly, dissatisfied with the service of Belcher's henchman, Francis Wilks, as their agent, sent over, without the governor's approval, Christopher Kilby as their special agent. Earlier efforts to send Samuel Waldo in the same capacity had failed.

Other enemies in England of less influence contributed their voices to the general outcry, and also some in America by correspondence advanced grievances against the facile but unpopular governor. Elisha Cooke, the great democrat, could not command a hearing at home. However, it was a different case when Paul Dudley, son of Governor Joseph Dudley of Massachusetts, having been judged unsuited to a seat in the council by Belcher, made complaint to his friend and patron, Horatio Walpole, brother of the prime minister. Dudley also charged that Belcher obstructed him in the affairs of his office as deputy-auditor under his patron. The latter in consequence became the consistent enemy of Belcher so long as he retained his governorship. Horatio Walpole also resented Belcher's failure to secure success in some matter which he intrusted to him.[1]

[1] For the assembling of Belcher's enemies in England, and the early cooperation of those there and at home, *cf. Bel. Ps.*, pt. ii, pp. 204, 209, 215-216, 222-223, 231-233, 235-237, 248-249, 252, 264-268, 317, 351, 382, 385, 394-395, 398, 491, 508, 521, 526; *N. H. Pr. Ps.*, vol. iv, pp. 569, 571, 587, 612, 650, 759; *Suffolk Files*, no. 100135; Adams, *Annals of Portsmouth* (Portsmouth, 1825), pp. 155-156; Brewster, *Rambles about Portsmouth, etc.* (Portsmouth, 1859-1869), sec. ser., p. 62; Collins, *op. cit.*, vol. i, p. 418.

The efforts to advance Shirley and those to remove Belcher were not at first joined, but they had entirely congruous ends in view. The evidence regarding the attitude of Shirley toward the efforts to remove Belcher like that regarding Belcher's deserts is conflicting. Nevertheless many essential facts can be established.[1]

It is doubtless true that Belcher's enemies planned to secure his removal from both his governments, but recog-

[1] One must use with caution practically all contemporary accounts dealing with matters affecting Belcher's removal, for they were written by New Englanders or by men concerned in public affairs in England who in the nature of things could not be impartial. In particular the testimony of Thomas Hutchinson should be used with reserve. This warning is necessary because practically all writers have accorded to Hutchinson high esteem for accuracy and impartiality, a judgment which is not here, in general, called in question. In regard to this matter, however, he was a partisan, and himself bore a part in the events he attempts to evaluate, going to England as the agent of landowners and inhabitants interested in saving what might be from the wreck of Massachusetts' imperial ambition after the New Hampshire boundary line had been settled to the advantage of the little province on the north. He also took with him a special power of attorney from Belcher, interested himself in keeping the governor in office, and had letters of introduction from him to men eminent in England. Moreover, Hutchinson was then a young man, and spent only about a year in England, too short a time to permit even a veteran statesman to fathom all the currents and eddies of English politics; yet he gives an unqualified and circumstantial account of the devices by which he alleges Belcher was removed from office. There appears in the *Mass. His. Soc. Proc.*, vol. iii, p. 216, a reference to letters from Shirley to Waldo, said to show complicity of Shirley in some of the means, characterized by implication as unscrupulous, used to remove Belcher. No trace of these letters has been found. *Cf. Bel. Ps.*, pt. ii, pp. 341-343, 380, 386-387, 389, 409, 426, 429, 522, 537, 542; Hutchinson, *op. cit.*, vol. ii, pp. 355-358; *A. P. C.*, vol. iii, pp. 597-601; "Board of Trade Report, June 12, 1741," *Am. His. Assoc. Rep.* for 1913, vol. i, p. 380; Hosmer, *The Life of Thomas Hutchinson, etc.* (Boston, 1896), p. 17 and *passim; The Diary and Letters of Thos. Hutchinson* (Boston, 1884-1886), vol. i, pp. 51-52; Tyler, *The Literary History of the American Revolution* (New York, 1897), vol. i, pp. 10-11, vol. ii, pp. 394, 405.

nizing the most vulnerable spot in the political anatomy of this reputed Achilles, at first concentrated their attacks upon his conduct in New Hampshire. Their weapons were perhaps envenomed, but it is doubtful if they were more so than were Belcher's own. In any case it is clear that the primary and the most substantial grievance which then came to light lies at the door of Belcher in employing duplicity and intrigue to defeat the effort of New Hampshire to secure a settlement of the boundary controversy. Indeed, the need of a drastic measure of relief was obvious to all candid witnesses of his administration of the province of New Hampshire.[1]

The attack upon Belcher in connection with New Hampshire dated almost from the beginning of his administration, but increased vigor in the onset upon the governor appeared after Dunbar reached England in 1737. Both he and Thomlinson made complaints against Belcher. The former charged him with various alleged delinquencies; the latter detailed the sparring between the governor and his opponents over the putting in execution of the orders from home for the settling of the boundary, culminating in the proroguing of the New Hampshire assembly until too late to comply with directions for presenting their case to the boundary commissioners.

Little more occurred during the year save the sending of a letter to Lord Wilmington, dated December 5, 1737, in the handwriting of Governor Belcher's secretary and signed by nine ministers of Boston and vicinity. This denounced as a "malicious libel" a report seen in "public prints," "pretended to be written at Boston," which it was said alleged "an universal joy, thro'out this province upon the news of His Majesty's appointing a new governor

[1] Ample foundation for this judgment appears in the records of the New Hampshire legislature while Belcher was governor.

over us, more especially among the better sort of people, and ministers of all sorts." These ministers requested that Belcher be continued. This letter certainly took the edge off the alleged report referred to, if it did not leave the governor in a stronger position than before.[1]

The signs were clear, however, that a struggle was coming. The storm broke in February of the following year when the privy council on the same day, referred to the committee an appeal by Thomlinson on behalf of the people of New Hampshire from the award of the boundary commission, and a petition from the house of representatives of New Hampshire complaining of the proceedings of the governor and council for several years past, particularly regarding the boundary commission, requesting that Thomlinson might be permitted to furnish proofs and praying that speedy relief might be given. A copy of this petition was promptly sent to Belcher for his answer.

In the midsummer the exceptions of Massachusetts Bay to the boundary settlement arrived, and Thomlinson's counsel appeared in opposition to them.

At almost the same time Samuel Waldo, apparently scenting the changed atmosphere at home, sailed for England, and upon his heels there appeared a letter to the Duke of Newcastle of an unusual type. This contained a denunciation of Belcher, an indorsement of Waldo's mission to England and a hope that Shirley might be made governor. It was signed with the name but not in the handwriting of J. Bowden, one of the richest merchants in Boston. The contents of this letter and the fact that the signature was not genuine much confused the situation.[2]

[1] For the campaign of 1737 against Belcher and his policy, *cf.* Dunbar to Board of Trade, July 20, 1737; Thomlinson to Board of Trade, Aug. 24, 1737, both in *C. O.* 5 752; *His. Mss. Com.* 11th Rep., app. 4, p. 279.

[2] This letter was dated at Boston, July 27, 1738, and referred to the

Waldo, upon his arrival, followed very much the course outlined for him by the spurious Mr. Bowden. Some de-

recent departure of Samuel Waldo for England "in order to lay before His Majesty in Council the great grievances, and damage he hath sustained, by our present Governor Belcher's opposing his settlements of the eastern lands, near Nova Scotia; which he the said Waldo was about to do, and hath been already at more than £30,000 this currency, expence in attempting a settlement there which would be of the greatest service to this country as a barrier against the French and Indians, and also a great advantage to Great Britain . . ." It continued that "most of the considerable men here wishes him all success, and hopes he will deliver us from the mean fellow, that hath tyrannized so long over us, to the surprize of everybody that knows him, or that formerly knew him . . ." It brought a strong indictment against his treatment of New Hampshire and the king's woods there, mentioned a recent "most grievous complaint" against him from that province and asserted "everybody here *knows* what is set forth in that complaint is strictly *true*." The writer saw hopes ahead for New Hampshire, "but what hopes we of this province have of getting ridd of him I dare not say . . ." He finally reached the point of asserting on behalf of himself and many of the best and most considerable subjects there that they hoped Waldo "will obtain the government of the Massachusetts for Mr. Shirley who is generally agreed on by all people and partys here to be a gentleman the best calculated to make this a happy and flourishing and also a dutyfull people, of any gentleman that ever appeared in this country being universally loved, and esteemed, by all sorts of people, for his great knowledge in the laws of the country and for his integrity and candore," etc. He assured the duke Mr. Shirley was "the most likely to bring this country to obey all and every of His Majesty's Instructions, of any I know in the world, and let me add, that if it should be his and *our* good fortune that he should be appointed our governor, I will promise your Grace that not only myself, but allso a great number of the most considerable men in this town, will heartily assist him in getting the sallery settled, according to His Majesty's instruction. And my Lord Duke, let me say the thing will be done directly, should Mr. Shirley be the man." He then accused Belcher of abusive references to the prime minister, Lord Harrington, Lord Wilmington and others in the presence of the writer and Lieutenant-Governor Dunbar, of which he was surprised Dunbar did not write Newcastle. With final reference to the governor as "this sad fellow" and to Shirley as "the only man they could wish for" as governor, this strange epistle closed.

tails of his proceedings in England are in dispute. Waldo himself afterward asserted that he went to England, after failing to compromise his differences with Belcher, upon Shirley's advice not to trust the governor, that he went wholly in Shirley's interest (he afterward presented an account to Shirley of expenses incurred while there) and that "I told your excellency before I embarked my intentions in your favor," "tho at the same time, I had a view to the protection of my own property." Shirley on the other hand affirmed that while in England Waldo was upon his own business, but added: "I fully acknowledge many proofs of your attachment to me there." [1]

What seems the probable motive of Waldo in going to England was set forth by Shirley on one occasion thus: In 1736 the assembly approved a complaint of some Penobscot Indians against Waldo while the latter was trying to extend his settlements in the eastern country, these Indians seeming to have been stirred up and encouraged by some secret practices. Upon the recommendation of the assembly Belcher assured the Indians that neither Waldo nor any other should have the countenance of the Massachusetts government in making any settlements there until it was satisfied that the Indian title had been justly extinguished. As a result Waldo was unable to pursue his settlements, broke openly with Belcher, and seems not unnaturally to have sought satisfaction in having him removed.[2]

Waldo conferred with Mrs. Shirley upon his arrival, apparently at once, and later declared that she was greatly dispirited and "had given over all expectation of success."

[1] Evidently Waldo's mission was for their joint benefit, to be secured chiefly through the substitution of Shirley for Belcher in the governorship, but later on each very humanly refused to admit that his own interest had been the primary consideration in the self-appointed envoy's mind.

[2] *Cf.* Shirley to Board, Mar. 12, 1744, *C. O.* 5 884, Ff, 23.

Waldo undoubtedly worked for Shirley's interests in England, and for a time Shirley communicated with Newcastle through him. Later, however, a kinsman of Shirley's became his agent and secured a promise of his appointment to the governorship of Massachusetts.[1]

Probably not long after the Bowden letter was written someone in New England (not improbably Belcher) complained of Auchmuty as judge of admiralty because, in suits relating to condemned logs and lumber, he gave conflicting decisions in cases tried at the same time and upon the same evidence. This resulted in a reprimand to Auchmuty from the admiralty dated November 6, 1738. In the same communication, however, was a statement of a complaint by Dunbar about conditions affecting the king's woods and particularly the events connected with the Exeter Riot, in which the responsibility for conditions was placed upon the governor and officers named by him or through his influence. "These matters" the lords of the admiralty thought "very extraordinary, and desire that you and His Majesty's Advocate will examine into and acquaint them with what you know or can learn upon this subject and likewise whether the surveyors are negligent, defective, or make wrong use of their power."[2]

For the year 1738 the result of the attacks on Belcher

[1] Waldo asserted to Shirley that he "did expect to be backed by some powerfull interest of your friends, but was greatly disappointed and had not I assure you any assistance from them; but on the contrary they were timorous of the consequence of your appointment and would do nothing." It is clear that this was not an essentially true statement, as appears from *Sh. Cor.*, vol. i, pp. 15-16, 18; T. Western to Newcastle, Sept. 27, 1740, *C. O.* 5 899, 355; Frances Shirley to Newcastle, Sept. 20, 1740, *C. O.* 5 899, 354; Shirley to Newcastle, Sept. 18, 1740, *C. O.* 5 899, 351.

[2] This letter seems to have been drafted by Dunbar and to be in the handwriting of his copyist.

by his enemies was inconclusive; but ground was prepared for a vigorous campaign later.[1]

In January, 1739, Thomlinson made a frontal attack by presenting a petition of complaint against Belcher and praying that New Hampshire might have a government separate from that of Massachusetts Bay. In the same month the Quakers in England bestirred themselves, presenting an appeal through Richard Partridge, himself a Quaker, to prevent Belcher's removal from his governorship.

Early in March Shirley was writing to Newcastle. He first assured the duke that he had most promptly taken action recommended by him in the preceding October to adjust a claim of Sir Thomas Prendergast against Robert Auchmuty, judge of the court of admiralty.[2] Shirley then denounced the letter to Newcastle signed J. Bowden of which he had just heard, as counterfeit. He asserted further that when this letter was written he knew nothing of any application to the duke to make him governor of Massachusetts, that "the thing itself was not then in my

[1] In the fall Wilks and Partridge fruitlessly sought to get Thomlinson's petition dismissed, but suffered the dismissal of a petition of their own protesting on behalf of Massachusetts Bay against the boundary settlement; while in December the solicitor for the New Hampshire house of representatives obtained an order directing that the house of representatives or persons designated to act for them be allowed to make copies of the public records of the province which they thought necessary for their case against the governor, and that the secretary should attest them and the governor seal them with the seal of the province. For the above happenings of 1738, *cf. A. P. C.*, vol. iii, pp. 592-594; *C. O.* 5 899, 250; *Ar.*, vol. lxxiii, fols. 494-495, 505, 506-508; Secretary of the Admiralty to Auchmuty, Nov. 6, 1738, and Dunbar to Secretary Burchett, Nov. 16, 1738, both in *Ad.* I, 3817.

[2] Belcher, who had excellent motives for involving both Shirley and Auchmuty in unpleasant relations, seems to have sought to use the incident to injure both. *Cf.* Shirley to Newcastle, Apr. 18, 1742, *C. O.* 5 900, 51; Newcastle to Belcher, Oct. 9, 1735, *C. O.* 5 899, 48.

aim or thoughts," [1] and that no one there could reasonably have suspected him then of aspiring to the position. He intimated that he suspected the governor of being responsible for the letter in an effort to destroy his standing with Newcastle, saying:

it may seem hard and groundless to impute so mean and improbable an artifice to a gentleman in the highest station among us, but as I am thoroughly acquainted with his politicks, and am knowing to other instances of the like kind of treachery from him towards another gentleman now in England (one of which is now lying before the Board of Trade) I dare almost risque my credit upon the truth of my suspicion.[2]

Shirley's final theme was his "uneasiness at Mr. Waldo's indiscretions in his application to your Grace in my favour." While expressing gratitude for Waldo's good intentions, Shirley offers to prove "that he had no commission from me to be so troublesome to your Grace."

It seems thus that Mr. Shirley objected to the manner of Mr. Waldo's application on his behalf rather than to the fact, and although he did not urge his own claims for the place he apparently remained a receptive candidate.

In March, Belcher was defending himself in a letter to Lord Wilmington, more notable for denials than for evidence, against charges by Thomlinson relating to the delay in settling the boundary. The governor was accused by Thomlinson of being bribed to favor Massachusetts by a grant from the assembly.

Early in May, 1739, Shirley made his report to the admiralty upon Dunbar's complaint involving Belcher and his subordinates. In this document Shirley gave a detailed

[1] This passage is not found in the copy in the *Sh. Cor.*, vol. i, p. 14, but is in the copy in *C. O.* 5, 899, 263.

[2] He may have referred to Belcher's behavior toward either Dunbar or Waldo.

account of evidence which he had found against the governor and his administration in New Hampshire in general, fully indorsed Dunbar and his work as surveyor-general, and declared that no evidence against the deputy surveyors had been found. The report in general was a scathing indictment of the governor. Auchmuty also reported somewhat later, and presumably in much the same strain. These reports, being official records and presented at the request of the admiralty, could not be met by Belcher with his usual procedure in dealing with petitions of complaint, which was, to ask for copies and for time to answer, and later to submit documentary evidence, often of uncertain authenticity, controverting the complaints.

In July a memorial appeared before the privy council, signed by Joseph Gulston, contractor for masts for the royal navy, Benning Wentworth, aspirant to the governorship of New Hampshire, Richard Chapman and John Thomlinson, London merchants, the last being also agent for the New Hampshire house of representatives. The purport of the document was that New Hampshire was "in a defenceless condition . . . . and praying that effectual means may be taken to protect their propertys in that province, as well as the propertys and lives of His Majestys good subjects residing there." As a war with Spain was approaching this was a matter of capital importance.

No mention was made of Belcher, but when the memorial came to a hearing before the board of trade its supporters asked the separation of the government of New Hampshire from that of Massachusetts, and Thomlinson produced a letter signed by six members of the New Hampshire council and by nearly all the members of the assembly, earnestly requesting that they might have a distinct governor. The board of trade promptly reported in favor of the request. At the end of July also there was referred to the board of

trade a petition of certain Irish settlers in the eastern parts of Massachusetts making complaint against Belcher.[1]

Belcher, however, had been aware of what was going forward and in the same month his son presented a petition to the king praying that he be allowed to visit England on matters of importance to the king's interest, the advantage of the kingdom and the welfare of "these provinces." At about the same time his agent Partridge succeeded in checking the action before the privy council, and several addresses were presented to that body from great numbers of the inhabitants of New Hampshire (amounting to about 500), "desiring to be continued under the government of their present governor." A memorial by Partridge in their behalf was also presented.

These documents were referred to the board of trade for consideration and for a new report on the whole matter. This report was presented October 17th, renewing the recommendation that New Hampshire have a separate governor and also suggesting that the view of the New Hampshire assembly on the matter be sought, as likewise what they would do for the support of a governor.[2]

Copies of this revised report were delivered to both parties, and after hearings upon the whole New Hampshire muddle, and time for consideration, the committee of the privy council reported that the governor had acted with great partiality in connection with the boundary controversy, had violated an order from home in that affair, and had by proroguing the assembly at a vital time deprived New Hampshire of opportunity to consider an appeal from the

[1] This petition not improbably was inspired by Waldo.

[2] The board reported regarding the signers of the addresses on behalf of Belcher that few of them were persons of note or substance (a number signed by making their marks) and that the document was not dated or signed at any public meeting "as is usual."

boundary award. Thus did the committee of the privy council affirm its belief that New England was suffering from a political malady which could be cured only by separating New Hampshire from its larger neighbor.

Here, for the time being, the matter rested. Belcher heard that the privy council had agreed upon a report which he seemed to think would terminate his administration in New Hampshire, and conjectured that the delay in announcing it was probably due to uncertainty as to the final settlement of the line between the provinces. Whether this had an important bearing upon the matter or not, it was apparently not the chief motive for delay. Before the committee of the privy council made its report England was at war with Spain and the crisis was too acute to suggest an immediate change of governors.

The king's ministers were engrossed in planning an expedition against the Spanish West Indies. Bladen upon request gave as his estimate of the number of troops which could be raised in America for the expedition, 2,500. This judgment brought out the observation that the militia of "New England and those parts have been known to be about 16 or 17 thousand men,—this lead the discorse to press Mr. Blayden is it not possible to find more and in conclution he did belive with proper orders to severall Governors that about four thousand mout be had and according his Grace of Newcastle took minute to have the same put in Exsicution. . . ." [1]

As it was decided to prepare for the expedition at once, orders were sent to Belcher as to other governors concerning it, and the meditated change of governors was for the time not put into effect.[2]

[1] Sir John Norris, *Journals*, Dec. 31, 1739, quoted by E. R. Turner in *Am. His. Assoc. Rep.* for 1911, vol. i, pp. 93-94.

[2] For the contest outlined above over the creation of a separate gov-

This left Mr. Belcher and Mr. Shirley in the same positions respectively, and the latter consequently without a salary. Mrs. Shirley was still seeking the governorship of Massachusetts for him, but was content, March 13, 1740, to acquiesce in a suggestion of the Duke of Newcastle that he accept "the government of New Hampshire together with the Post Office," not doubting in view of the small sum the province could pay a governor, that " the ministry will make such an additional allowance as will be necessary for the support of a governor appointed by his Majesty. . . ." In this office Mrs. Shirley professed her husband would seek to prove his fitness for the Massachusetts governorship " whenever your Grace sees proper to make a removal."

For the present, however, Belcher seems to have been irremovable from either of his governments. Then, contrary to what might have been expected from one of his reputed mentality, the Duke of Newcastle resorted to an apparently clever measure. Shortly after Mrs. Shirley's letter to him of March 13th, and on the same date appearing upon the instructions [1] which he sent to Belcher and other governors for raising troops for the West Indian expedition

ernment for New Hampshire, *cf. A. P. C.*, vol. iii, pp. 594-597, 637-638, 639; *Sh. Cor.*, vol. i, pp. 13-15; Newcastle to Shirley, Oct. 27, 1738, *C. O.* 5 899, 260; Newcastle to Belcher, Oct. 27, 1738, *C. O.* 5 899, 261; [Eight Quakers] to Whitworth and Corwin, Jan. 29, 1739, *C. O.* 5 752; Petitions of many persons in New Hampshire received from Belcher by Partridge, Feb. 25, 1739, *C. O.* 5 899, 281, 282, 283, 285; Shirley to Newcastle, Mar. 3, 1739, *C. O.* 5 899, 263; Belcher to Wilmington, Mar. 7, 1739, *His. Mss. Com.*, 11th Rep. app. 4, p. 283; Shirley to Secretary of Admiralty, May 6, 1739, *Ad.* I, 3817; J. Belcher, Jr., to the King, July 7, 1739, *C. O.* 5 752; Board to Committee of Privy Council, Aug. 10, 1739, *C. O.* 5 917, 218; ditto to Belcher, Sept. 9, 1739, *C. O.* 5 917, 284; Sir John Norris, *Journals, loc. cit.*; *Bel. Ps.*, pt. ii, pp. 201-282, *passim*. Instructions to the governors regarding the expedition, dated Jan. 5, [1740] are found in *C. O.* 5 752.

[1] *Cf. supra*, p. 83.

to be commanded by Lord Cathcart, Newcastle wrote Shirley referring to the complaints against the Massachusetts governor's conduct in office and the applications by the advocate's friends for his appointment in case of Belcher's removal, intimating that the failure to remove the latter at that time perhaps rested upon the implied fact "that it might not be thought adviseable to appoint a new governor at a time when a commission of such great importance was upon the point of being executed, yet I may assure you, (as I have already done Mr. Western [1]) that in case of a vacancy of the government of New England, I shall think of no other person to recommend to His Majesty to fill it, but yourself; in which I am persuaded all the King's servants will readily concur."

The duke then mentioned reports that Belcher was so unpopular in both his governments that he would be handicapped in raising men for the expedition, and suggested that, in case this proved true, Shirley give all possible aid to Belcher in order that his majesty's service "might not suffer through Mr. Belcher's misfortune." He further, "as a sincere friend of yours," urged Shirley to make it impossible for Belcher's supporters to blame him for the governor's lack of success, by freely offering his services to him.

After stressing the need for raising full levies as promptly as possible, the duke continued: "If it shall appear, that your weight and influence shall have contributed to the carrying of them on, with success and dispatch, it will effectually recommend you to his majty's favour; and I shall gladly take an opportunity of representing your services, upon this occasion, in the most advantageous light."

Truly, Shirley's path was made smooth and clear. All

[1] The Westerns were related to the Shirleys, and this was apparently an English kinsman of the duke's protégé.

that was required was to offer friendly service to Belcher; if it were accepted, to render it, and if refused, to so behave as to remove grounds for criticism of himself. Such a program in the case of a loyal and successful governor would have been uncalled-for and would have suggested gross partiality on the part of the ministry. Yet the plan itself, though offering an opportunity to Belcher's rival, might be necessary to the success of the expedition.

Shirley upon the receipt of this letter took up the task allotted him with alacrity. Meanwhile, aside from an order in council of March 10th affirming the boundary of Massachusetts and New Hampshire awarded by the recent commission, matters in England lagged.[1]

Shirley was at this time enduring the governor's manifest displeasure, which he alleged with apparent truth sometimes took the form of devising means of preventing him from performing his proper functions as advocate-general. Nevertheless he had both influence and patriotism enough to persuade the deputy surveyors-general of the woods to risk the displeasure of the navy board, and the agents of the contractor for masts to construe liberally orders from their principal. To secure his ends Shirley promised his personal intercession with the navy board and the Duke of Newcastle for the protection of the subordinates. The action of these officials thus secured was necessary to the prompt fitting-out of vessels for the expedition. This incident came before Shirley received Newcastle's suggestion that he aid in furthering the expedition.

[1] It was in this period or perhaps earlier that Waldo affirmed that Mrs. Shirley was so disheartened as to be ready to substitute the chief justiceship of Gibraltar for her husband's claims to the governorship. Further memorials from both sides concerned in the contest over the New Hampshire government had for their net result a vote of the privy council in May rejecting the prayer of the major part of the New Hampshire council that their province might be continued under the same person "who is governor of the Massachusetts Bay."

Shirley's behavior in the delicate situation in which he was placed was exceedingly able. Were he seeking either to promote the success of the expedition or to embarrass Belcher, or both, he could hardly have wrought more effectively.

Colonel Blakeney, who was to be adjutant-general of the detachment of colonial troops, and Lieutenant-Governor Clarke, both at New York, supported Shirley in his efforts to raise men and otherwise to promote the expedition, and wished him well. When only four out of thirty commissions for captains sent with Blakeney were awarded to the governments under Belcher, and several companies which were raised in Massachusetts were left without legal organization or equipment, the colonel informed Shirley and apparently Belcher that commissions and equipment for these unattached companies would be awarded upon their joining the expedition; but it was Shirley and not the governor who by energetic efforts succeeded in continuing most of these men in the service for some time.

Lord Cathcart, it seems, recommended a former officer to Blakeney as a captain, but when Shirley asked Belcher to grant him a commission, the governor refused. Belcher at first hesitated either to accept or to refuse Shirley's aid. Later, finding Shirley's activities calculated both to promote the expedition and to obscure the governor's share in it, the latter curtly requested Shirley to make no more recommendations. Thereafter Shirley worked without Belcher's knowledge in Massachusetts, New Hampshire and even Rhode Island to bring success to the New England levies. He claimed credit for the raising of 600 out of 1,000 men from Massachusetts, 100 from New Hampshire, and 200 from Rhode Island.

While matters were in this posture he reported what had been done to Newcastle, who, without formally consulting

the board of trade, placed the documents relating to the matter in the hands of Martin Bladen of that body. The latter, after examining them, wrote the duke in substance approving Shirley's services and condemning Belcher's behavior in the matter of the levies.[1]

Shortly after Bladen's letter to Newcastle, an impressive statement of Shirley's services, combined with a complaint against Belcher on several counts and a strong indorsement of Shirley for the post, was laid before the privy council. Before that august body had decided to act, however, Belcher had to a considerable extent altered conditions. Accepting the recommendation of the Massachusetts legislature, he dismissed from the service all the companies raised in that province, save the four for whom commissions had been provided. The ground alleged was, that arms for them had not been provided at Boston. Shirley succeeded in saving out of the wreckage one company only in addition to the four with commissions. This disappointed the home authorities. Still Shirley claimed the chief credit for raising all but one of the companies still in the service.

Whether this development was a factor in delaying action

[1] As a practical politician Bladen added: "But I look upon these papers rather as testimonials in favour of Mr. Shirley than as matters of formal complaint against the governor; who would have a right, in that case, to be heard in his defence." He then expressed his belief "that there cannot be now any inconvenience in making an alteration in the government; and that your Grace cannot recommend to His Majesty any gentleman to succeed Mr. Belcher, that seems more capable of discharging the duty of a good Governor, or that would be more acceptable to the people there, than Mr. Shirley." Bladen further wisely observed that in view of the boundary dispute with New Hampshire an honest governor succeeding Belcher in Massachusetts "must expect no favour from the people" and would be "in a very disagreeable situation." This, therefore, as well as the interest of New Hampshire and of the crown he urged should lead to a separate governor for that province.

in England on the governorship is not clear. There seems to have been no further reference of the matter to anyone before final action, and gradually the New Hampshire debris was cleared away preparatory to the naming of governors for both provinces. December 5th the New Hampshire petition for a separate government was received in the committee of the privy council, and on December 27th the full council approved the report of the committee of the previous year that Belcher had acted with great partiality in the boundary matter.

On April 23, 1741, the privy council approved the report that New Hampshire should have a separate government. Seven days later Newcastle requested the board of trade to prepare a commission for Shirley as governor of Massachusetts and this was prepared and sent to the duke on May 2d. On May 6th, this draft was approved by the privy council.[1]

[1] The final draft bears the date of June 25, 1741, although the date July 10, 1741, had been crossed out. Andrews in his list of commissions and instructions (*Am. His. Assoc. Rep.* for 1911, vol. i, p. 473) gives the date as June 25, 1741, with the notation "This date is only in the index volume." The dates quoted as given in *Sh. Cor.*, vol. i, p. 36, are found in the indorsement of the document in the *P. R. O.* but in handwriting different from that of the rest of the indorsement. According to the record in the Massachusetts *Archives* the copy sent to Shirley was dated May 25th (*Cl. Recs.*, 1735-1742, p. 534). This date seems to be corroborated by an interlined statement in a different hand in Shirley's petition to the king, December 15, 1742, in *C. O.* 5 900, 77. In the *Patent Rolls*, George II, 1741, in the *P. R. O.*, however, the commission is entered under the date of May 16, 1741. Shirley's commission as vice-admiral is in *Ar.*, Crown Commissions, 1628-1663, pp. 40-45, and is printed in *Pub. Col. Soc. Mass.*, vol. ii, pp. 237-246.

A quite different picture of the removal of Belcher appears in Hutchinson, *Hist. of Mass.* He asserts that Belcher was undermined at home by unfair means and instances successful efforts to alienate the dissenters and Lord Wilmington. It is intimated, though not stated, that something of the sort happened also in the case of Sir Charles Wager. It is true that forged letters were sent and arguments made to destroy Belcher's standing. On the other hand charges were made

that Belcher was concerned in the forgeries with the purpose of discrediting the opposition party upon the discovery of the frauds. The truth of these charges one cannot confidently affirm or deny. Many of the charges made in the forged letters, however, were in fact true, and constituted good grounds for his removal in the eyes of the English government. Had the home government had at their command the sidelights upon Belcher's policy furnished by his letter-books, his service as governor in New England would have been much briefer than it was. Perhaps similar methods were employed by both sides. Some of the men who supported Shirley were not above employing indirect means, and the same was true of their opponents. Sympathy for the loser in this case is less ready because the evidence of Belcher's conspicuous political depravity is so abundant and clear from his own letters, especially when read in the light of other contemporary evidence.

Wager seems to have remained at least passively his friend and no evidence appears that Wilmington was active against him. Hutchinson seems to have given prime importance to the efforts of Waldo and Kilby in Shirley's favor (Waldo credited Kilby with giving much aid to his efforts), and in an account which if true suggests that truth is stranger than fiction, makes the final scene of the drama center about a Coventry merchant who, influenced by Shirley's friends, controlled the election of a member of Parliament, which led the Duke of Grafton, according to his previous promise, to secure the removal of Belcher a day or two after the result was known.

The Duke of Grafton, however, if willing to name a governor of Massachusetts as an incident to an election to Parliament, was not the most prominent of the king's ministers, and not intrusted with colonial affairs. Newcastle and Bladen, also, had long been pledged to the naming of Shirley, and had made their plans accordingly, and it seems unlikely that his appointment soon after this election was held, was more than a coincidence. If it was brought about as Hutchinson relates, it could hardly have been more than a brief season before the duke, who had the power to name colonial governors, would have redeemed his promise and named his friend to succeed Belcher. Perhaps Hutchinson as a merchant and an unsuccessful petitioner for favors from the crown was more likely to be familiar with the current gossip of commercial circles than with the unpublished motives of the responsible members of the ministry. Finally, the opinion of Hutchinson that Belcher's drastic measures against those interested in a financial heresy in Massachusetts would, if known sooner in England, have prevented his removal, could be well founded only if the ministers of the crown were so impressed by this activity as to overlook the long series of proceedings by Belcher relating to New Hampshire which had resulted as Bladen remarked in denying that province "common

justice." Also, since new governors for both provinces were considered together and named on the same day, such a result would apparently have defeated the plan for a separate governor for New Hampshire, to which the ministry was fully committed. Hutchinson's narrative, it may be observed, tends to distract attention from his own share in the boundary affair, wherein he was clearly in sympathy with Belcher's position.

For the final phase of the efforts to remove Belcher, *cf. A. P. C.*, vol. ii, pp. 597, 638-639, 676; *Sh. Cor.*, vol. i, pp. 15-36; *Ar.*, vol. liii, fol. 69; vol. lxxii, fols. 525, 537; vol. lxxiii, fols. 504 *et seq.*; Hutchinson, *op. cit.*, pp. 355-358; Shirley to Newcastle, May 26, 1740, *C. O.* 5 899, 293; June 28, 1740, *C. O.* 5 899, 298; Sept. 18, 1740, *C. O.* 5 899, 351; Oct. 25, 1740, *C. O.* 5 900, loose at end of vol.; Shirley to Belcher, Sept. 17, 1740, *C. O.* 5 900, loose; Sept. 27, 1740, *C. O.* 5 899; Oct. 2, 1740, *C. O.* 5 899, 446; Bladen to Newcastle, Oct. 8, 1740, *C. O.* 5 899, 376; Frances Shirley to Newcastle, Sept. 20, 1740, *C. O.* 5 899, 354; T. Western to Newcastle, Sept. 27, 1740, *C. O.* 5 899, 355; Colman and Sparhawk to S. Waldo, June 4, 1740, *C. O.* 5 899, 295; Lt.-Gov. Clarke to Shirley, July 7, 1740, *C. O.* 5 899, 363; July 21, 1740, *C. O.* 5 899, 364; Belcher to Shirley, July 21, 1740, *C. O.* 5 899, 362; State of services performed by William Shirley raising troops for service of expedition under command of Lord Cathcart. Also supplying Admiral Vernon with stores for his Majesty's ships at Jamaica, received by Privy Council, Oct. 22, 1740, *C. O.* 5 899, 379; Board to Newcastle, May 2, 1741, *C. O.* 5 917, 341; Order in Council, Apr. 23, 1741, *C. O.* 5 883, Ee, 47; Newcastle to Board, Apr. 30, 1741, *State Papers Domestic, Entry Books*, vol. 132. p. 73; Newcastle to Belcher, Apr. 5, 1740, *C. O.* 5 899, 341; Order in Council, May 6, 1741, *C. O.* 5 883, Ee, 48; Gooch to Belcher, July 8, 1740, *C. O.* 5 899, 346; Belcher to Gooch, July 14, 1740, *C. O.* 5 899, 349; Draft of Wentworth's commission as governor of New Hampshire, June 25, 1741, *C. O.* 5 199, 1-20; *Bel. Ps.*, pt. ii, pp. 282-408, *passim*. For several documents upon the share of Massachusetts in the expedition against the Spanish West Indies, *cf.* an article by Ellis Ames on the Cartagena expedition under Admiral Vernon, in the *Mass. H. S. Proc.*, vol. xviii, pp. 364-378. Considerable information upon this expedition is also to be found in Storer, "Admiral Vernon Medals, 1739-1742," in *Mass. H. S. Proc.*, vol. lii, pp. 187-276. *Cf.* also, *A. and R.*, vol. ii, pp. 1037, 1061, 1078, 1104. For an unflattering but perhaps biassed judgment of Thomas Hutchinson by James Otis, in which he asserts that the former's advancement to many positions of importance was secured by "superficial arts of intrigue, rather than any solid parts, by cringing to governors and pushing arbitrary measures . . ," *cf.* Otis to Mauduit, Oct. 28, 1762, *Mass. H. S. Colls.*, vol. lxxiv, p. 77.

# CHAPTER V

## Taking up the Reins of Government

The news of Shirley's appointment arrived by letter from one of the Massachusetts agents in London before his commission was received. Belcher acted thereupon with dignity, informing the legislature of the report of Shirley's appointment and expressing confidence that the general court would "do everything proper for receiving this gentleman with all due respect and honor, when the king's commission to him may arrive." In response to this suggestion the assembly two days later took the initiative in naming a committee of the two houses to take charge of the inaugural ceremonies, and in this Belcher and the council cooperated.

Shirley's commission arrived August 13, 1741, more than a month after the news of his appointment, and on the next day it was published. In accordance with the impressive customs of the time the new governor was escorted from his house in Boston to the court house by a numerous concourse of civil and military dignitaries. After the solemn reading of his commission, he took the oaths required by law and entered upon his duties as chief magistrate to the accompaniment of salvos of guns in the warships and forts in and around Boston harbor, and volleys from the infantry assembled to do him honor.[1]

[1] For the events relating to the transition of the governorship from Belcher to Shirley, *cf. A. and R.*, vol. xiii, p. 13; *Cl. Recs.*, vol. x, pp. 533-536; *Ct. Recs.*, vol. xvii (3), pp. 6, 105; *Jour.*, July 8, p. 6; July 10, p. 8.

Belcher had adjourned the general court until the 17th of August, when Mr. Shirley first addressed them. His instructions had not yet been sent to him. Their non-arrival gave him an opportunity to lay the foundations of good-will in his relations with the legislature before it became necessary to continue the inevitable contests between province and crown, over the exercise of prerogative rights.

His policy then and later as it appeared in his public papers and his acts was one of mildness and firmness applied with much tact. He declared that the attitude of the imperial government was one of benevolence toward its subjects, and avowed as his own aim the good of the people under him. He referred to his long residence and service among his neighbors and asserted their mutual attachment.

The matters he brought at once to the attention of the legislature related first to the existing war with Spain and an impending rupture with France.[1] He recommended adequate provision for Castle William in Boston harbor, then in a state of decay and poorly equipped, and the prohibition of the exportation of provisions to foreign dominions during the war. As to internal affairs he suggested an appeal (which he pledged himself to promote) from the recent settlement of the Massachusetts-Rhode Island boundary, a full statement of the facts regarding their paper currency to Parliament, which was then considering a means of

[1] A few days later Shirley transmitted to the Duke of Newcastle a number of papers taken from a French transport belonging to an expedition under the Marquis D'Antin which had been sent on a West Indian cruise. A captured journal among the papers transmitted declared that this force was to make an attack upon Vernon's squadron at Jamaica. The writer expressed the belief that war between England and France was certain. The proposed attack was not made, probably because of the unexpected strength of Vernon's squadron. Shirley to Newcastle, Aug. 24, 1741, *C. O.* 5 900, 4. For this episode *cf.* also, Declaration of war against the French king, Mar. 29, 1744, *Sh. Cor.*, vol. i, pp. 118-119.

curing the evils connected with it, and the supplying of the treasury in a way acceptable to the crown.[1]

The house of representatives showed its confidence in Shirley's sincerity and judgment by soon taking up in a conciliatory spirit the matters recommended to them,[2] and by returning to the governor an address expressing respect and affection with regret that "your accession to this government should be at a time when this province is labouring under so many difficulties and distresses." The address intimated a hope that he might lead them out of their wilderness of troubles, and commanded sufficient optimism to observe "we must not despair of the commonwealth." The house also promptly voted the generous sum of £2,000 in bills of credit to Shirley to pay his expenses between his accession to the government and his removal to the province house and for the expense of making the removal.[3] This being approved by the council, Shirley thanked them graciously.[4] The latter body, also, was equally prompt in congratulating the new governor upon his advancement.[5]

[1] *Jour.*, Aug. 17, 1741, pp. 57-60.

[2] *Ibid.*, Aug. 18, 1741, pp. 61, 62; Nov. 25, 1741, p. 113; Dec. 2, 1741, p. 117.

[3] *Ct. Recs.*, vol. xvii, p. 324.

[4] *Ibid.*, vol. xvii (3), p. 101.

[5] *Ibid.*, vol. xvii (3), p. 82. Shortly after Shirley outlined his policy to the legislature the selectmen of Boston presented an address of congratulation to him. They in common with all other official spokesmen of the people joined in expressions of joy too full and explicit to be other than sincere. After attributing his appointment to a "special smile of Providence," and enumerating his interests in and services to the people, they declared his "personal accomplishments for Government are such that we can't but reflect on your advancement with singular joy and satisfaction, and esteem it as an happy presage of our future welfare." They closed with the hope that he might promote "religion, good order and trade, among us." These objects the governor promptly assured them he would give his best efforts to promote. *Records of the Boston Selectmen, 1736-42* (Boston, 1886), p. 305.

It was just at the close of the outpouring of laudation at his accession that Shirley sent to Newcastle an account of that event and of the conditions which he would have to face. He remarked upon the full and general testimony of the people's good-will " (Mr. Belcher's best wishers not excepted)," and the granting " in the most unanimous manner, toward defraying the expence of my equipage, &c., of a larger sum than was ever granted before upon the like occasion, and that done when I was upon the spot at the time of my nomination, and of the arrival of his majy's commission."

He showed his understanding of the problems ahead by referring to the failures of his predecessors, the empty condition of the treasury and the opposition of the representatives to the last royal instruction as to filling it, the defenseless condition of the province, public excitement and resentment over the land-bank scheme near the end of Belcher's administration, and the decrease of the value of the governor's salary under Belcher from about £1,000 sterling to £650 sterling.

In spite of these conditions Shirley was not downcast, but declared that the difficulties ahead " I shall not despair of wading through in some measure by the help of patience and moderation," even though " some disputes with the country seem unavoidable for the service of the crown, particularly with regard to the present state of the salary." He also announced the prudent intention of avoiding a personal dispute with the province whatever public differences might arise.[1]

In conclusion he pointed out that he probably would receive no salary for a considerable period, and entered a

[1] His position was made far easier through the fact that since the death of Elisha Cooke in 1737 (Hutchinson, *Hist. of Mass.*, vol. ii, p. 351), no equally able and zealous popular leader had arisen to assume his mantle.

plea that his appointment of his son to the post of "Clerk of the Naval Office" be approved as a necessary means of supporting his family meanwhile.[1] This appointment the duke afterward approved.[2]

The ill-starred expedition against the Spanish West Indies, which had furnished Shirley with an opportunity to win his advancement to the governorship, encountered unfavorable conditions in Cuba in the summer of 1741, especially from the pestilential climate. The commander of the land forces, Brigadier-General Wentworth, attempted, in accordance with his instructions, to secure needed recruits in the American colonies. For this service in New England, he sent John Winslow, captain of one of the companies originally raised there for the expedition. While Belcher still occupied the chair, the governor had been instructed to aid in raising recruits upon such an occasion, and the duty now fell to Shirley.

Taking up the task the governor communicated to the legislature a roseate picture of the situation of the land forces in Cuba drawn by Winslow, and pointed out the value of Cuba to the commerce of the empire and especially to that of Massachusetts, with her commercial primacy among the English colonies in America. He asked that the house provide for 500 men to complete the 1,000 first voted, of whom but one-half actually entered the service, offer a bounty to encourage enlistment and arrange for transporting the recruits to Cuba. These proposals the representatives seemingly met so far as possible by providing that £18,000 in bills of the old tenor or an equivalent should be set apart from the funds provided in the next supply of the treasury, to be applied substantially as Shirley requested for the encouragement of recruiting.

[1] *Sh. Cor.*, vol. i, pp. 39-43.
[2] *Ibid.*, p. 86.

On October 9th, Shirley asked that the general court furnish the recruiting officer with necessary credit by drawing bills on Henry Pelham, the paymaster-general of the army, and further that a joint committee of the general court be named to carry out this business, to inspect the use of the money and the officers' accounts, and to report upon the whole affair to Mr. Pelham and General Wentworth.

Three days later he suggested that a committee be named to carry out the provisions of the vote for encouraging recruiting by providing transports, subsistence, blankets, *etc.*

Whether these proposals would have been acted upon favorably does not appear, for one of the inevitable disputes between governor and assembly intervened. The bill for supplying the treasury had been passed in a form to which Shirley objected at length, and without its passage nothing could be done by the legislature promptly to provide public funds for the support of the expedition. However, recruiting went on, with the aid of funds advanced by Shirley, upon the security of the pledge of the legislature to pay the expenses when money was in the treasury.[1]

The success of the efforts to raise men in Massachusetts was limited, however, as a combination of circumstances repelled the people from enlisting. Reports had already reached the province of heavy mortality among the forces at Jamaica and Carthagena, and of the failure at the latter place. Many also were prevented from enlisting by the failure to supply arms at the place of enlistment, by the refusal to allow them to enlist under captains of their own

[1] Shirley had secured a change in the proposed wording of the vote for encouraging recruiting whereby the funds for this purpose were not necessarily to be taken from the sum to be raised by the supply bill then preparing but from the money raised in the next supply bill passed. Therefore, although he did not approve the bill then presented, the public faith was pledged to pay these expenses when money should become available.

choice, and by the fear that they would not be discharged at the end of the expedition.

Early in the next year, nevertheless, one hundred and fifty men had been raised, and about one hundred embarked for Cuba, while Shirley had hopes of adding one hundred more. This hope was dashed a few days later with the arrival of news that 1,300 of Wentworth's men had died of sickness in Cuba, and that the survivors had withdrawn to Jamaica.[1]

In addition to military measures against Spain, Shirley also in November, 1741, issued a "commission of marque" to Captain James Roche of the privateer *Caesar*.[2]

Until January 16, 1742, Shirley was obliged to steer his course without instructions from home, meanwhile proceeding in general conformity to those earlier sent to Belcher.

[1] This *dénouement* left Captain John Winslow in an uncomfortable plight which Shirley sought to relieve by recommending him to Newcastle, asking the latter to redeem a pledge by Shirley that in case the expedition came to an early end Winslow should be given military employment in England. He suggested in his behalf a captain's commission in England or half pay. In the latter case he would be useful in Massachusetts in the event of a war with France. Shirley to Newcastle, Dec. 27, 1742, *C. O.* 5 900, 92.

For the proceedings in Massachusetts regarding Wentworth's expedition after Shirley became governor, *cf. Jour.*, Sept. 23, 1741, pp. 80-82, Oct. 9, 1741, p. 101, Oct. 13, 1741, p. 103; Wentworth to Hopkins and Winslow, Aug. 12, 1741, *C. O.* 5 899 and 900, 21; Wentworth to Belcher, Aug. 12, 1741, *C. O.* 5 900, 17; Shirley to Newcastle, Aug. 24, 1741, *C. O.* 5 900, 4; Shirley's proclamation for raising troops, Oct. 16, 1741, *C. O.* 5 900, 22; Shirley to Newcastle Oct. 17, 1741, *C. O.* 5 900, 13; Shirley to Newcastle, Jan. 23, 1742, *Sh. Cor.*, vol. i, p. 81; Shirley to Newcastle, Jan. 28, 1742, *C. O.* 5 899; Shirley to Newcastle, Feb. 4, 1742, *C. O.* 5 900, 36; Shirley to sheriffs, Feb. 10, 1742, *Ar.*, vol. lxxii, fol. 582; Shirley to Board, Feb. 22, 1742, *C. O.* 5 883, Ee, 59; Apr. 30, 1742, *Sh. Cor.*, vol. i, pp. 83, 84; Winslow to Shirley (Jan., 1742), *Ar.*, vol. lxxii, fol. 581; ditto to ditto, Jan. 14, 1742, *ibid.*, fol. 580.

[2] Shirley to Roche, Nov. 10, 1741 (and enclosures) *Ad.* I, 3817.

The board of trade, in drafting Shirley's instructions, omitted one essential power that had been granted to his predecessor. Belcher had been authorized to approve the issue of a sum not exceeding £30,000 in paper money by the province annually for the current support and service of the government,[1] without a clause suspending the operation of the acts for such issues until the pleasure of the crown should be known. It was proposed to withhold such authorization, and this, known in America before the instructions arrived, amounted to a restriction upon Shirley's freedom of action in dealing with a supply bill. Later he learned from agent Wilks that the privy council in September had granted the discretion originally enjoyed by Belcher.[2]

Meanwhile Shirley had encountered one of his knottiest problems from both the political and economic points of view. From the latter point of view it was the problem of a badly depreciated paper currency, and from the former that of applying, in the face of determined opposition, instructions from home intended to remedy the evils arising from large issues of paper without adequate provision for supporting their value.

One of the chief reasons for unpleasantness between Belcher and the legislature during the latter part of his administration had been his insistence that his instructions concerning paper money should be observed. These required laws fixing the amount of bills to be issued for the conduct of the government annually, and the dates at which they should be called into the treasury by taxation and destroyed.[3]

[1] For fuller discussion of the paper money question in Massachusetts than is given at this point, *cf. infra*, pp. 159-180.

[2] This privilege had later been taken from Belcher because of his consenting to larger issues of paper money than were approved at home. *A. P. C.*, vol. iii, pp. 695-696.

[3] For salient features of Belcher's differences with the assembly over

Through his refusal to yield, the issues of the paper currency of the province had been greatly curtailed; and as practically no public money but bills of credit was in circulation there, his firmness threatened a serious disturbance of business, inasmuch as a further radical reduction of the amount in circulation through the rapid drawing in of considerable quantities still outstanding seemed imminent.[1]

When Shirley inherited this condition he met the difficulty squarely. The assembly passed a bill without a suspending clause and he promptly refused to sign it, giving his reasons in good temper and good measure. He went further and suggested amendments designed to make the depreciation of bills of credit harmless to business.

However, when he asked for a suspending clause, he struck fire from the assembly. He found them convinced that any instruction for the insertion of such a clause in a money bill was so "contrary to their charter and destructive of all their privileges, that they seem utterly regardless of any consequences which may ensue upon their refusal to comply with it." In view of this immovability of the assembly and the danger of a war with France in the spring (which would mean a war with Canada) with an empty treasury and a defenseless frontier, he recognized a crisis, and, giving the assembly at their request a short recess, he lost no time in laying the situation before Newcastle.[2]

this matter, *cf. Jour.*, July 11, 1739, p. 104; Sept. 20, 1739, p. 110; Sept. 21, 1739, p. 112; Oct. 5, 1739, pp. 134-136; Oct. 9, 1739, pp. 141-147; Dec. 5, 1739, p. 150; Dec. 7, 1739, p. 152; Dec. 18, 1739, pp. 169-172; Dec. 27, 1739, p. 193; Jan. 1, 1740, p. 200; Jan. 3, 1740, p. 206; Jan. 4, 1740, p. 208; Jan. 7, 1740, pp. 211-212; Mar. 19, 1740, p. 232.

[1] The representatives challenged the instruction that no bill for the issue of bills of credit should be passed without a suspending clause, and the result was a deadlock in which no supply bill could pass and a chronic emptiness of the treasury. *Cf. Jour.*, Jan. 15, 1742, p. 174.

[2] Shirley to Newcastle, Oct. 17, 1741, *Sh. Cor.*, vol. i, p. 77.

In his despatch he explained to the duke that, in order to avoid further insistence upon a suspending clause without specific directions from the crown, he thought it more for his majesty's service to lay this bill before the king for his previous approbation. He was confident that in case a suspending clause were dispensed with he could secure adoption of his proposed amendments, the most important result of which would be to insure to a creditor the sterling value of his debt regardless of the depreciation of the currency. This, if accomplished, he observed, would make unnecessary the instructions from the crown upon the subject which were causing such a feud between crown and province. The results he foresaw were freedom of the crown from complaints due to the depreciated money and of the people from discontent, while public and private honesty would be restored.[1]

The voting of £6,000 more than allowed to be current at once by Belcher's instruction he defended as consistent with the intent of the instruction, inasmuch as it would be used to pay the extaordinary expense of the West Indian expedition. He further pointed out that permission to act as he suggested would do good through increase of his influence and the more tractable behavior of the province.

The board of trade after examination, found the suggested provision for protecting creditors from loss through depreciation of bills of credit unobjectionable, but held it to be properly a subject for a separate bill.[2] They wholly approved of Shirley's objections to the bill as passed by

[1] He also observed that in a sense the bill had been suspended until the king's will was known, and queried whether he should be given permission to sign it without a suspending clause if the assembly should previously agree to his most essential amendments.

[2] Shirley's seventh instruction, which he did not have when the bill was passed, required that he insist that matters of different natures be dealt with in separate acts. *Sh. Cor.*, vol. i, p. 45.

the assembly, and favored a strict adherence by Shirley to his instructions regarding issues of paper money. They also suggested a scheme for securing a sound currency in lieu of further issues of paper money. Their lack of enthusiasm for his suggested solution was partly balanced by the receipt of a letter from Lord Wilmington approving his course in dealing with the supply bill.

About six weeks later Shirley was informed by Wilks of the revision of the instruction regarding paper money issues so that it allowed him to consent to an act for the issuing of £30,000 in bills of credit without a suspending clause. This made possible the finding of common ground between himself and the assembly.[1]

Before Shirley was informed of the views of the board of trade evoked by the bill submitted for their consideration, he had put in operation the permission contained in his instructions,[2] to consent to the issue of £30,000 in bills of credit for the annual service and support of the government. In this and an accompanying act, both passed January 15, 1742, he secured provisions for protecting

[1] For the controversy over the insertion of a suspending clause in all supply bills. *cf. Ct. Recs.*, vol. xvii (3), p. 124; *Jour.*, Oct. 14, 1741, pp. 104-109; *Sh. Cor.*, vol. i, pp. 76-78; Reference of instructions by Committee of Council back to Board of Trade, Aug. 7, 1741, *C. O.* 5 883, Ee, 44; Approval of Instructions by Lords Justices, Sept. 8, 1741, *C. O.* 5 883, Ee, 50; Shirley to Newcastle, Dec. 4, 1741, *C. O.* 5 900, 25; Reference by Lords of Committee of Council, Jan. 14, 1742, *C. O.* 5 883, Ee, 55; Shirley to Newcastle, Jan. 23, 1742, *Sh. Cor.*, vol. i, pp. 80, 81-82; Board to Committee of Privy Council, Mar. 2, 1742, *C. O.* 5 918, 64; Shirley to Board, Feb. 22, 1742, *C. O.* 5 883, Ee, 59; Shirley to Wilmington (copy) Apr. 30, 1742, *Hist. Mss. Com.* 11th rep., app. 4, pp. 292-294; Shirley to Newcastle, Apr. 30, 1742, *C. O.* 5 900; Shirley to Board, Apr. 30, 1742, *Sh. Cor.*, vol. i, pp. 83-84; Board to Shirley, Aug. 18, 1742, *C. O.* 5 918, 76.

[2] The instructions were in his hands on Jan. 16, 1742. (*Sh. Cor.*, vol. i, p. 79.) His general instructions are printed in *Sh. Cor.*, vol. i, pp. 43-72. *Ibid.*, pp. 73-76, contains the first of the instructions for trade but omits twenty-two others, which are in the *P. R. O.*

creditors against depreciation of the bills since a debt had been incurred and for an early retirement of the outstanding bills. These provisions averted the displeasure of the board of trade.[1]

The passage of these bills marked the real beginning of progress under his administration. It established a compromise to the advantage of both parties. It was in harmony with Shirley's instruction limiting yearly issues of paper money, but not with another prohibiting the currency of more than £30,000 in paper money at one time. This latter was treated more or less as a dead letter.[2] The legislation ameliorated but did not remove the evils of depreciated currency, and performed the absolutely necessary service of supplying funds for public purposes, which were used in part for the payment of public servants, and also for ends which the home government had much at heart, like the West Indian expedition. By bringing up the currency question before the salary issue Shirley also avoided the possibility of the assembly's trading upon the desire for a salary to secure an issue of bills on their own terms, as Burnet charged that they had done under Dummer in 1727-1728.[3]

During the early months of Shirley's administration, also, another currency problem which he inherited from his predecessor was passing through a stormy evolution. When it became evident in the spring of 1740 that Belcher would

[1] Shirley to Board, Apr. 30, 1742, *Sh. Cor.*, vol. i, p. 83; *A. and R.*, vol. ii, pp. 1077-1085.

[2] Shirley interpreted this instruction as meaning that the sum in bills of credit which might circulate at one time should not exceed the value of £30,000 sterling. This interpretation the board of trade did not accept but did not actively combat. Board to Shirley, Aug. 18, 1742, *C. O.* 5 918, 76; Board to Committee of Privy Council, Apr. 29, 1743, *C. O.* 5 918, 85.

[3] Davis, "The Currency and Provincial Politics," in *Pub. Col. Soc. Mass.*, vol. vi, p. 165.

consent to no act for increasing or even maintaining the existing amount of provincial paper, two groups of alleged saviours of their country came forward with proposals for supplying a medium of exchange. The two plans evolved have been severally known as the land bank or manufactory scheme and the silver scheme.[1] Neither scheme was successful, but notes were issued under both. The land-bank scheme, however, was the more popular and the more troublesome to deal with.

Belcher did nothing effectual to oppose the land-bank and silver schemes while they were in process of formation, in spite of the requests of the Massachusetts merchants,[2] and his brother-in-law in London acted as agent for the promoters of the land bank. However, when the merchants applied to the home government for aid, and Parliament interested itself energetically in behalf of sound money in the dominions and prepared to pass an act intended to bring to an end the private currency schemes then on foot in the

[1] The first was actively promoted by John Colman, a largely autobiographical sketch of whom appears in *Pub. Col. Soc. Mass.*, vol. vi, pp. 86-89. *Cf.* also, *ibid.*, vol. iii, pp. 10, 12-14, 17. Among the other subscribers for the notes of the so-called bank were Samuel Adams, the elder, Robert Auchmuty, judge of admiralty, and many members of the house of representatives. Their number ultimately increased to include "between eight and nine hundred partners, chiefly countrymen." The bills issued were supposed to be secured by real estate and to be redeemable at the end of a twenty-year period "by sundry commodities therein enumerated." The second or silver scheme, chiefly promoted by Edward Hutchinson, and supported by the merchants in the effort to secure "hard money" for the province (*cf.* Hutchinson, *op. cit.*, vol. ii, p. 354) proposed that the partners entering into the scheme should emit £120,000 in notes redeemable at the end of fifteen years in silver or gold at stated rates. *Ar.*, vol. cii, fols. 49-55; Davis, "Provincial Banks, Land and Silver," in *Pub. Col. Soc. Mass.*, vol. vi, pp. 12-14, *passim*.

[2] Shirley declared that Belcher did not keep promises of action which he made to the merchants. Shirley to Newcastle, Sept. 15, 1742, *Sh. Cor.*, vol. i, p. 91.

province, Belcher suddenly became zealous for sound money.[1]

The land-bank scheme was undoubtedly fatuous. It precipitated a condition just short of revolution. The situation over this issue was so critical when Belcher left office[2] that if no other reason had existed for his removal, it would have been justified by the calming influence of a successor so level-headed and conciliatory as Shirley.

It would be difficult to overestimate the extent or possibilities of the public unrest which developed over the issue. One cause of the general excitement was the fact that the private bills of the sort devised by the land-bank partners seem to have been wholly legal at the time of issue, although a public currency of a similar character had depreciated so rapidly and so unceasingly that strict instructions had required the governors to limit its quantity. The land-bank scheme did not antagonize the letter of the instructions to the governors, and these latter were regarded by the provincials as themselves encroachments upon their liberties guaranteed

[1] He forbade all holding positions under the government to have anything to do with the land bank or its bills, on pain of removal from their positions, removed a number for alleged violation of this prohibition, and excluded several of those chosen to the council because concerned in the scheme.

The chief facts relating to these schemes and Belcher's proceedings in regard to them are found in *Ar.*, vol. cii, fols. 4-384, *passim*; *Jour.*, Mar. 26, 1740, pp. 246-247; Mar. 28, 1740, p. 249; June 6, 1740, p. 22; June 18, 1740, pp. 43-44; June 19, 1740, p. 46; Sept. 12, 1740, p. 127; Nov. 22, 1740, p. 133; Jan. 2, 1741, pp. 186-187; *Bel. Ps.*, pt. ii, pp. 363-543, *passim*; Shirley to Newcastle, Sept. 5, 1742, *Sh. Cor.*, vol. i, pp. 89-92; Shirley to Board, Sept. 15, 1742, *C. O.* 5 883, Ee, 68.

[2] For documents relating to a conspiracy to defy the government and compel the circulation of land bank notes by force, *cf. Ar.*, vol. cii, fols. 154-168, 179. *Cf.* also *An account of the Rise Progress and consequences of the two Late Schemes, commonly call'd the Land-bank, or manufactory scheme and the silver scheme, in the province of the Massachusetts Bay.* In a letter from a gentleman in Boston to his friend in London (Boston, 1744), pp. 41-42.

by their charter. There was an act of Parliament for suppressing such undertakings in England passed in 1720 under the salutary influence of the South Sea Bubble, but the attorney-general, in harmony with a series of opinions by the law officers of the crown, held that this act, not specifically applied to the plantations by either Parliament or the local legislatures, did not apply there.

The promoters of the scheme therefore were filled with the negative virtue always attaching to an undertaking which has not been forbidden by law. Also there were attracted to it many who desired to justify the payment of debts in a currency bearing the stamp of a false standard of value by clothing the act with legality.[1]

Belcher's efforts at suppression were to these misguided folk persecution. The act of Parliament in 1741 applying the "Bubble Act" of 1720 to the plantations was, if anything, worse, for it purported to make the land bank illegal from the beginning by a retroactive enactment.[2] The effort of Parliament to protect creditors from the essential alteration through the land bank of the contracts under which debts were due them involved the destruction of the contracts which the partners in the bank believed they had legally made. Retroactive legislation, although a beneficent means of applying the lessons of experience when used with wisdom and a sense of responsibility, is, under other conditions, likely to be unjust. It appears especially unjust when it involves impairing the obligation of contracts. This feature added to the rage of the partners, whose en-

[1] Some of the partners who had met their obligations, after characterizing the undertaking as "that unluckey and unfortinate skeeme called the land bank or manafactery," complained of the "obstinate and willful negligence or dishonest delays and deallings" of the delinquent members. The petition of the complainants is in *Ar.*, vol. cii, fols. 243-245.

[2] 14 George II, c. 37.

gagements with each other and with the holders of the bills were declared void, but who nevertheless found themselves collectively and severally liable upon demand to pay at once the face value of the bills in lawful money equal to sterling value, instead of merely responsible for the redemption of the bills at the end of twenty years in merchandise, according to their original agreements.

John Adams writing in middle age to compare the events of which he retained the vivid recollection of childhood with those in the midst of which he had recently lived declared: "The act to destroy the land bank scheme raised a greater ferment in this province than the Stamp Act did."[1] The menace to the public peace from the land bank excitement was undoubtedly critically grave, and, had Belcher's harsh measures been continued, could hardly have been removed without an outbreak, and perhaps a premature revolution.

The supposition which has been advanced that this crisis contributed to the shaping of the minds and the policies of the leaders of the Revolution in Massachusetts, seems to be founded upon probability.[2]

When Shirley came to office, therefore, just as the company was struggling toward recovery from the shock administered by the action of Parliament, his refusal to continue the harsh policy inaugurated by Belcher while at the same time discouraging the land bank by milder means undoubtedly was based upon good sense. This mollifying influence was allowed time to modify public opinion, since he refrained from mention of the subject when he first addressed the legislature. The directors thus had opportunity to demonstrate what they could accomplish through their efforts to wind up the affairs of the partners before remedial

[1] *Works of John Adams*, vol. iv, p. 49.

[2] Davis, "Currency," *etc., loc. cit.*, pp. 171-172.

legislation was attempted.[1] The directors acted with bad grace, indeed, but apparently in good faith. By this policy Shirley avoided arousing an antagonism which would inevitably have been violent, and as it would probably have made a majority of the members of the legislature his hearty enemies, it might have wrecked his administration.

Shortly after the arrival of Shirley's commission the partners had succeeded in withdrawing and destroying over one-third of their bills and were still making efforts to draw in the rest.[2] The final solution of the land bank difficulty was to wait for a later season. Meanwhile Shirley's moderation and good sense had attracted the confidence and liking of the members of the house of representatives who had been supporters of the land bank. This enabled him to wean them from the support of a money bill which he declared bad and to effect a compromise of the matter with them, whereby they substituted the supply bill of 1741. The latter provided that the periods set for the redemption of bills of credit extant or to be issued should not be deferred, and, in return for being allowed to issue £30,000 in bills of credit, the assembly also passed a bill securing to the creditor the value of his debt regardless of depreciation of the currency and providing the means for fixing the value of the paper bills at intervals of six months.[3]

The reins of power may well be said to have been firmly

[1] The legislature proposed to take action in the summer of 1741 to wind up the company's affairs, but the partners succeeded in preventing this, and they then made a voluntary effort to call in the bills through a committee of their own. Davis, "Legislation and Litigation connected with the Land Bank of 1740," in *Proceedings of American Antiquarian Society*, new series, April 1896, pp. 88-89.

[2] *Sh. Cor.*, vol. i, p. 80.

[3] Shirley to Newcastle, Jan. 23, 1742, *Sh. Cor.*, vol. i, p. 80; Shirley to Board, Mar. 19, 1742, *Sh. Cor.*, vol. i, pp. 102-103; Shirley to Legislature, *Jour.*, Jan. 15, 1742, p. 174; *A. and* R., vol. ii, pp. 1077-1085. *Cf.* also, *supra*, pp. 102-103.

in Shirley's grasp when his instructions arrived in the middle of January, 1742; for the initial period of administration, without clear mandate from home, had been so managed by him as to preserve the liking and support of the people and also the confidence and approval of the home government.[1]

[1] The reality of Shirley's hold upon the province, in spite of his advocacy of measures distasteful to many, is attested by the address to the king sent by the legislature of Massachusetts three days after Shirley's instructions were received. This address declares: "we . . . with a real sense of gratitude, acknowledge your majesty's special favour to this province in appointing *William Shirley*, Esquire, to be our governor of whose prudence and integrity we have for some years had experience, while in a private life, and hope to reap the fruits thereof in his more exalted station." *C. O.* 5 900, 35.

## CHAPTER VI

### THE SALARY QUESTION AND THE PROBLEM OF DEFENSE

ALTHOUGH Shirley had come to his full estate as governor with the receipt of his instructions, he was still encumbered by difficulties handed down to him at his accession. As we have seen he had begun dealing with one of these, the problem of the bills of credit, before his instructions arrived. The working out of the solution will receive a fuller treatment later.

Another figured very prominently in the governor's relations with the legislature for a season, but its prominence was largely camouflage. This was the perennial question of fixing a salary for the governor. In reality the main issue was abandoned by the home government before it was raised; for they instructed Shirley to "recommend it in the most pressing and effectual manner to the assembly to pass an act settling a fixed salary of one thousand pounds sterling per annum clear of all deductions on your self and your successors in that government," but this was followed by the qualifying phrase, "or at least on your self during the whole time of your government." Finally, as the measure which the ministry obviously expected to pass, he was empowered, in case the assembly did not "readily comply," to accept an annual grant of the value of £1,000 sterling, provided this were the first act of the session in which it was proposed.[1]

The only provision insisted on which had not been re-

[1] Instructions to Shirley, art. 23, *Sh. Cor.*, vol. i, p. 52.

quired in Belcher's time was that the salary grant should be of the annual value of £1,000 sterling.

Forthwith upon receipt of his instructions Shirley wrote to the duke reporting that he had at once carried out the one requiring that he should strongly recommend that the general court settle a salary of £1,000 sterling per annum upon himself and his successors, but joined with it in the same sentence thanks to his patron for "directing the latter part of that instruction to be so qualified, as that I am left at liberty, in case the assembly should persist in their refusal to settle the salary, to take an annual allowance from 'em of £1,000 sterl. as they shall vote it from year to year, untill his majy's pleasure shall be signified to the contrary." [1] In view of Shirley's slender resources it was indeed not merely a kindness to him but a sensible measure on the part of the home government that he should as soon as convenient have a means of support which was not in jeopardy through a disagreement between crown and province.

The assembly, while declining to accept the instruction as binding, voted a sum which the governor accepted in 1742. After that he found it necessary to contend for grants large enough to satisfy the terms of his instruction.

Having reached this ground upon the matter, Shirley made the suggestion to the home government that as the people, through the continued wrangling on the subject, were passionately opposed to the settlement of a salary, and the representatives through annual elections were extremely dependent upon their constituencies, the only prospect for a future settlement such as the crown desired without the interposition of Parliament, must come "not by dint of dispute when the people are upon their guard against it, but at

[1] Shirley to Newcastle, Jan. 23, 1742, *Sh. Cor.*, vol. i, p. 80.

some unexpected juncture when their settled affection for a governor may give the representatives courage to venture upon a short settlement at first, out of a personal regard to him, which might easily perhaps be followed with a settlement of it during his administration, from which precedent it might be difficult for the province to recede upon the appointment of a new governor." [1]

At intervals during his administration the question came up again, always through the failure of the assembly to increase the nominal sum voted him so that, after allowance for the depreciation of the bills of credit, his grant would equal £1,000 sterling. In urging the necessary increase Shirley spoke with dignity and force, but always remained faithful to his resolution not to enter upon a personal quarrel with the house. It is apparent that both parties to the controversy were aware that the victory had been won and rested with the assembly. Shirley displayed insight by recognizing that so long as his salary was voted by the assembly, the payment of the sum demanded by his instructions was dependent not upon the instructions but upon the good will of the people and their representatives. In 1745

[1] Shirley to Board, June 23, 1742, *Sh. Cor.*, vol. i, pp. 88-89.

Shirley was obliged to refuse grants at the rate of £750 sterling and £950 sterling per annum, as he estimated, and to dissolve the assembly without receiving any salary before bringing them to grant £1,000 per annum in accordance with the instruction, the whole discussion having covered about six months.

For Shirley's controversy with the assembly over the fixing of a salary immediately following his accession, *cf. Sh. Cor.*, vol. i, pp. 80, 85, 87-89; Shirley to Board, Oct. 21, 1742, *C. O.* 5 883, Ee, 66; Shirley to the King, Dec. 15, 1742, *C. O.* 5 900, 77; *Jour.*, Aug. 21, 1741, p. 66; Sept. 26, 1741, p. 85; Jan. 21, 1742, pp. 185-188; Jan. 22, 1742, p. 190; Mar. 19, 1742, p. 194; Mar. 27, 1742, p. 211; Mar. 30, 1742, p. 215; Mar. 31, 1742, p. 218; Apr. 1, 1742, p. 219; Apr. 13, 1742, p. 244; Apr. 16, 1742, p. 254; Apr. 20, 1742, pp. 257-258; Apr. 23, 1742, pp. 262-263; May 28, 1742, pp. 8, 11; June 2, 1742, p. 17; *Ct. Recs.*, vol. xvii (3), pp. 91-92, 124, 265, 288, 310.

a protest from the governor at the smallness of the grant led to an increase. The governor's protest came just after the fall of Louisburg and the house expressed "satisfaction in your excellency's administration, and do assure you they are always ready to grant such a sum for your support as shall be suitable to the dignity of your station, and shall consist with the circumstances or ability of their constituents."[1] In the following year disagreement between the houses as to the amount led Shirley to request that the matter of his salary be postponed so that it might not obstruct the preparation for the expedition then planned against Canada. When he brought the matter up again in the following January an acceptable grant was at once made without any protest as to the rights of the house.[2]

In 1747 he accepted a grant which he considered less than it should be rather than have a controversy at a critical time when it would have badly affected matters then pending in Great Britain (doubtless referring to the reimbursement of the province for the Louisburg expedition).[3] In 1748, however, he raised the issue in strong terms, charging the assembly with ingratitude in view of the reimbursement now assured for the Louisburg expedition. The assembly did not see the matter in that light, being, perhaps, more disappointed over the prospect of the return of Louisburg to the French, than grateful for the reimbursement. The result was a warm argument in which the governor combatted the assumption that the province was not able to pay more than £1,900 in badly depreciated bills of credit. The matter went over to the next session and the dispute

[1] *Jour.*, June 20, 1745, p. 44; June 21, 1745, p. 45; *A. and R.*, vol. iii, p. 241.

[2] *Jour.*, June 19, 1746, p. 51; June 20, 1746, pp. 53-54; *A. and R.*, vol. iii, p. 322.

[3] *Jour.*, June 14, 1748, p. 43; *A. and R.*, vol. iii, pp. 371-372.

was renewed after the assembly raised the grant to £2,000. Shirley admitted that his instructions were not binding upon the assembly but declared that they were upon himself, and argued that the assembly was not redeeming its own pledges, and was using arguments not based upon fact. The upshot of the matter was that the house increased the grant to £2,400, approximately the figure asked, and this Shirley accepted.[1]

In 1749, the assembly cut £200 from the grant of the preceding year under the pretext that the province was facing a prospect of calamity through drouth, and this Shirley accepted, repudiating any desire to avoid his share in "any publick calamity of the people within my government."[2]

Another problem of the first importance and magnitude which had been left by Belcher for his successor to solve was that of the defense of the province in time of war. Although England was already at war with Spain, an attack by the Spanish upon the New England coast was a remote contingency. However, the mother country was more than likely soon to become embroiled with France, whose position in Canada would make attacks by land and sea upon the northern English colonies almost inevitable.

The aggressive temper of the French was attested by recent encroachments upon English territory at Crown Point in New York. Official cognizance of these encroachments upon the English possessions only a few miles from the northwestern frontier of Massachusetts, had been taken by the government of that province as early as December, 1731. There was then talk of demanding the removal of the French from their post there, to be followed in case of

[1] *Jour.*, June 14, 1748, p. 43; June 15, 1748, p. 46; June 18, 1748, pp. 52-53; June 22, 1748, p. 56; Nov. 9, 1748, p. 84; Nov. 15, 1748, pp. 96-101; June 24, 1749, p. 41; *A. and R.*, vol. iii, p. 422.

[2] *Jour.*, June 24, 1749, p. 41; *A. and R.*, vol. iii, p. 465.

their refusal by "further methods to bring them to it" through cooperation with the adjoining governments, but these plans evaporated during the following year,[1] and the western settlements of Massachusetts remained within easy striking distance for raiding parties from the French strongholds. As the French and the Indians under their influence were past masters in the technique of *la petite guerre*, this was a matter worthy of consideration.

Louisburg, the great French fortress and rendezvous for the trade with Canada and the Indies, was situated upon the island of Cape Breton near the entrance to the Gulf of St. Lawrence and in a military sense enfiladed the English colonies of Nova Scotia and New England. It was reputed the American Gibraltar and the strongest fortress west of the Atlantic. Moreover, as had been the case from the early days of French settlement in America, the agents of France, many of them Jesuit missionaries, were efficiently active on behalf of their government among the Indian tribes within striking distance of the frontier of the northern English colonies. Their potent influence insured that massacre and devastation would threaten every point of the land frontier in case of a rupture with France.

It could not be assumed that New Englanders even in their highest dudgeon would fail to comprehend these dangers, which were more serious now than when the horrors of border warfare had been experienced by their fathers. Had the issue been simply one of providing for defense there could have been no hesitation in any quarter; but when the carrying out of measures of defense depended upon the passage of a supply bill under restrictions which aroused the combativeness of every Puritan spirit in the

[1] *Jour.*, Dec. 2, 1731, p. 3; Dec. 29, 1731, p. 40; Jan. 1, 1732, p. 47; Jan. 27, 1732, p. 103; June 16, 1732, p. 27; June 20, 1732, p. 32; *Ct. Recs.*, vol. xv, pp. 239-240.

land, they placed freedom from irksome restraint above safety.

An acrimonious controversy had been carried on between Belcher and the house in 1740 as to the form in which grants for the maintenance of seaboard fortifications should be made. Belcher challenged the customary form of such grants and insisted that the custom of naming a legislative committee to purchase materials and to employ and supervise the workmen, although this committee was to act under the general direction of the governor, was divesting the latter of powers lodged in him by the charter. The general court claimed that such legislative supervision of the application of funds for the building and repair of fortifications was a right always before exercised without challenge.[1] It is not strange, therefore, that the lower house on July 4, 1740, refused to pass "An Act for the security and defense of the frontiers."[2]

The most that could be secured for that time were votes "for purchasing a suitable vessel to guard the coast" *etc.*, for enlisting or impressing men to man it, for enlisting sixty men for Castle William, the fortress in Boston harbor, and for organizing two independent companies of eighty men each composed of the best men in the regiments of militia nearest the Castle "for the service of that fortress in case of an attack . . . ," and that the proceeds from the truck trade with the Indians be employed for repairing forts and truck houses on the frontiers.[3]

Votes also passed both houses in varying forms for a comprehensive scheme of defense including the repair of

[1] Shirley to Board, Oct. 25. 1742, *C. O.* 5 883, Ea, 72.

[2] *Jour.*, June 25, 1740, p. 54; July 4, 1740, p. 76.

[3] *Ibid.*, July 9, 1740, pp. 84, 85; July 10, 1740, p. 90; July 11, 1740, p. 92; *Ct. Recs.*, vol. xvii (2), pp. 383-384, 387, 388; *A. and R.*, vol. xii, pp. 697, 698-699.

forts and truck houses, and for loaning money to seven seacoast towns to be used for fortifying them; but as the two houses could not reach an agreement with the governor on these matters, and there was no money in the treasury nor a prospect of raising any, these votes must be judged to have been intended for political effect.[1]

The house was continuing earlier unsuccessful efforts to get substantial control of military affairs through insistence upon the right of the assembly to pass upon muster rolls.

The representatives finding Belcher immovable bewailed the fact that the people must part with their ancient liberty and usage or "still lie in their exposed condition. This is truly shocking!" They further affirmed that putting public moneys into the hands of persons uncontrollable and therefore unaccountable to the court was "what the representatives in faithfulness to the liberties of their people can't comply with."[2]

Aside from the obvious difficulty in securing legislation in Massachusetts for the defense of the province, a further difficulty affecting one capital item in a program of defense arose between the province and the home government. This related to plans for enlarging and equipping Castle William and for the equipment of forts upon the frontiers, for which purpose the province hoped to benefit by the royal bounty. Of these plans, that relating to Castle William was paramount. On a previous occasion the crown had contributed heavy guns and ammunition for the protection of this key to the most important harbor and naval base upon the coast of the English continental colonies in America. This was done with the understanding that the province

[1] *Jour.*, July 10, 1740, p. 91; July 11, 1740, p. 93.

[2] *Ct. Recs.*, vol. xvii (2), pp. 430, 476, 486; *Jour.*, Dec. 5, 1740, p. 152; Dec. 13, 1740, p. 162; Dec. 23, 1740, p. 170; Dec. 26, 1740, p. 175; Dec. 31, 1740, p. 179; Jan. 2, 1741, p. 183; Jan. 8, 1741, p. 194; Apr. 6, 1741, p. 220; Apr. 7, 1741, pp. 221-222.

would pay 500 guineas for powder and small arms supplied at the same time.[1] When, therefore, the province neglected to do this, the home government kept the omission vividly in memory.

In 1734, and again in 1740, Massachusetts petitioned for a repetition of the crown's benevolence, whereby Castle William might be made adequate for the defense of the northern continental seaboard. The first of these petitions was referred to the board of trade but the second seems to have gotten no further than the committee of the privy council. Another obstacle to such a gift from the crown was the neglect of the province to repair the fort at Pemaquid.[2]

Upon Shirley's accession, therefore, he found the problem of defense unsolved in a crisis likely to become shortly much worse. It was largely a problem of the supply of the treasury and of good will for the governor, and Shirley therefore worked to secure the necessary conditions. First he secured reports from the commanders of various forts and blockhouses on the frontiers, eastern and western, and transmitted the information thus acquired to the legislature in the fall of 1741.[3] These reports showed that many of the forts on the frontiers were far from substantial in physical defenses and garrisons, especially the latter. As an example, Fort Frederick, at Pemaquid, in spite of its important position was manned only by the commander and six underpaid men.[4]

Through these reports Shirley secured the inclusion in the

[1] Order in Council, Jan. 10, 1745, *C. O.* 5 885, 115, Ff, 75.

[2] Upon this episode, *cf. A. P. C.*, vol. iii, pp. 421, 694, 724-725; *Ar.*, vol. liii, fol. 92; vol. lxxii, fols. 438-439.

[3] *Ct. Recs.*, vol. xvii (3), p. 122; *Jour.*, Oct. 2, 1741, p. 94.

[4] Larrabee to Shirley, Sept. 14, 1741, *Ar.*, vol. liii, fol. 98; Savage to Shirley, Feb. 23, 1742, *ibid.*, fols. 107-108, printed in *Me. H. S. Colls.*, sec. ser., vol. xi, p. 225; Savage to Shirley, Mar. 8, 1742, *Ar.*, vol. liii, fols. 109-110.

supply act of January, 1742, of an appropriation of £6,500 for the fortifications of the province.[1] This was followed by his prompt recommendation to the house, to make effective the grant in the supply act for the defense of the province before the recess of the court, such action being in his judgment necessary to the safety of the province. The house, however, postponed action until the next session, expressing a desire for a fuller house before acting further.[2]

The needs of the province now became the basis for a petition from the general court to the crown for cannon and supplies for Castle William, signed by Shirley and heartily endorsed by him in a letter to Newcastle. A former grant to Massachusetts in the time of Governor Dudley and recent grants of such aid to New York and Pennsylvania were urged by Shirley, as well as the political advantage to be gained by increasing his influence with the people.[3]

In the next session, pending news of action on their petition, the house attacked the problem of defense by asking the governor to direct the commander of Castle William to inform the house of the state of the fortress, so that they might better provide for repairs. In response the governor suggested that a committee of the two houses accompany him upon a visit to the Castle. Thus did Shirley tactfully smooth the way for cooperation between himself and the legislature in things military, and secure an opportunity for getting his views personally before the members of the committee.[4]

[1] Shirley to Board, Apr. 30, 1742, *Sh. Cor.*, vol. i, p. 84; *A. and R.*, vol. ii, p. 1078.

[2] *Jour.*, Jan. 21, 1742, pp. 183, 184.

[3] Shirley to Newcastle, Feb. 3, 1742, *C. O.* 5 900, 34; *A. P. C.*, vol. iii, p. 724.

[4] For this incident, *cf. Jour.*, Mar. 18, 1742, p. 192; Mar. 22, 1742, p. 197.

The result was the preparation by the house and the enactment by the middle of April of a comprehensive scheme for the defense of the seaboard, and for scouting parties on the frontiers, the former including not only Castle William, to which the major portion of attention was given, but also considerable batteries for the defense of Boston, and others of less magnitude for the defense of eight other Massachusetts seaports, including Falmouth in Maine. Within the same period also there was passed a vote for carrying on repairs begun by order of Belcher upon the truck house or fort on St. George's river in Maine.[1] In securing the defense of the seaboard Shirley was not only procuring the obviously necessary, but also carrying out a part of his fifty-sixth instruction.[2]

Shirley's task was only well begun, however, when he secured an appropriation of £6,500 for fortifications.[3] The defense of the points where batteries were as a result erected was made by no means impregnable, and other seacoast towns were undefended, while the defenses of the land frontiers were largely in ruins or non-existent. Most of the fund voted in the January supply bill was appropriated in the votes of the following April for fortifications,[4] and Shirley was not allowed by his instructions to consent to further issues of bills of credit (the only considerable means the province possessed of raising money) during that financial year.

Shirley from time to time during the spring and summer of 1742 brought up individual matters relating to defense needing attention but found the assembly efficient watch-

[1] Action on these appropriations is recorded in *Jour.*, Apr. 9-10, 1742, pp. 239-242; Apr. 12, 1742, p. 243; Sept. 9, 1742, p. 77; *Ct. Recs.*, vol. xvii (3), pp. 329-333; *A. and R.*, vol. xiii, pp. 109-114.

[2] *Sh. Cor.*, vol. i, p. 63.

[3] *A. and R.*, vol. ii, p. 1078.

[4] *Cf. supra.*

dogs of the treasury. Their economical tendencies were perhaps stimulated by the fact that Shirley was then contending for a fixed salary, as well as by the difficulty attending the raising of money.

In June the interests of the province and the apparent need of reinforcements for Fort George at Brunswick, in Maine, when urged by the governor failed to convince them.[1] He brought Castle William to their attention again to suggest an increase of wages for the garrison, as a means to securing efficient men, which led to the naming of a committee to investigate.[2] Four days later Shirley named the lieutenant-governor and six prominent members of the legislature as a committee "to supervise, manage, and carry on" specified repairs at Castle William, subject to his directions. In doing so he met the legislature halfway in the matters involved in their controversy with Belcher. Later he accepted legislative committees named to act under the governor for managing the expenditure of money for military purposes. He justified this policy to the home government, by stating that the legislative committee respected rather the good economy and husbandry of public money than the governor's power.[3] The house at the end of June voted to reduce the number of guns to be supplied by Salem from sixteen to ten, apparently as an inducement to the town to meet the conditions of the grant.[4]

Thus matters were progressing but slowly until after the salary imbroglio had been settled.[5] Then with the

[1] *Jour.*, June 15, 1742, p. 41; June 16, 1742, p. 43.

[2] *Ibid.*, June 25, 1742, p. 57.

[3] Shirley to Spencer Phips, *etc.*, June 19, 1742, *C. O.* 5 883, Ee, 73; Shirley to Board, Oct. 25, 1742, *C. O.* 5 883, Ee, 72.

[4] *Ct. Recs.*, vol. xvii (3), p. 448; *A. and R.*, vol. xiii, p. 152.

[5] Perhaps the salary issue prevented Shirley from securing a grant in the July supply act for fortifications. *Ibid.*, vol. iii, pp. 8-11; *Ct. Recs.*, vol. xvii (3), p. 458.

diplomatic artistry in which he was an adept he set out to persuade the general court to appropriate money they did not possess, and the home government to make an exception to their restrictions upon the issue of bills of credit, in view of the obviously perilous situation of the province. In the evolution of his plans he arranged for a tour in July and August of the Maine settlements, which consisted of a land and sea frontier intermingled—a fringe along the seaboard. To inspect these outposts of New England, forming a spear head in the side of Canada, Shirley tactfully took with him a committee of the general court.[1] After holding a satisfactory conference with the Penobscot Indians at St. George's river,[2] they visited Pemaquid and the other posts along the Maine shore, concluding with a visit of the committee alone to Saco, deputed by the commander-in-chief to inspect and report to him to avoid the expense of a visit by himself, as he later explained to the assembly.[3]

After this trip Shirley interpreted the eastern frontier problem in terms chiefly of two things. The first was the need of so handling the Indians as to hold them to the English in case of war,[4] to accomplish which he urged the selection of proper truck masters in that district, and especially one at St. George's who could speak the Penobscot tongue. The other was the great value of Maine, intrin-

[1] For provision by the general court for this expedition, *cf. A. and R.*, vol. xiii, p. 158.

[2] These Indians had sent delegates to Boston to pay their respects to the new governor soon after his accession. *Cl. Recs.*, vol. x, p. 544.

[3] Shirley, *A Conference held at the Fort at St. George's, Aug. 4, 1742* (Boston, 1742). For this tour, *cf. Jour.*, Sept. 3, 1742, pp. 70-72; Shirley to Newcastle, Aug. 30, 1742, *Me. H. S. Colls.*, sec. ser., vol. xi, p. 251; Shirley to the King, Dec. 15, 1742, *C. O.* 5 900, 77.

[4] This policy was enjoined upon Shirley by his fifty-first instruction. *Cf. Sh. Cor.*, vol. i, p. 61.

sically and as a granary for Massachusetts, and the need for defending it equally with the rest of the province.[1]

His wisdom and tact prevailed. Three of the four former truck masters were retired when the general court soon chose those for the ensuing year.[2] The general court also voted £700 from the fund raised in 1741 to be used for defenses at Pemaquid, St. George's and Saco.[3]

Having reached this point, Shirley made application to the home government for permission to consent to a special issue of £7,000 or £8,000 of bills of credit, retirable before 1746, and to be used to complete the works at Castle William. He further pointed out that the province could not wage war against the French in case of a rupture without further emissions not allowed by his instructions, and requested authority in such a contingency "to consent to emission of such a stated sum in paper bills as may be thought proper in time of war, or such further discretionary sum as I shall find his [the king's] service will necessarily require."[4]

Successive administrations before Shirley's time had been embittered by the stubborn opposition of the assembly to the execution of repeated injunctions from the crown that Pemaquid, an important stronghold near the extreme northeastern frontier, should be repaired. Shirley's persuasion now secured this important strengthening of the frontier. Possibly the willingness of the general court to provide for it at this time was partly due to the fact that no specific instruction had been given Shirley to insist

[1] *Jour.*, Sept. 3, 1742, pp. 70-72.

[2] *Ibid.*, Sept. 7, 1742, p. 74.

[3] *Ibid.*, Sept. 9, 1742, p. 77; *Ct. Recs.*, vol. xvii (3), p. 483; *A. and R.* vol. xiii, pp. 163-164.

[4] Shirley to Board, Nov. 16, 1742, *C. O.* 5 883, Ee, 74; Shirley to Harrington, Lord President, Nov. 16, 1742, *C. O.* 5 883, Ee, 79.

upon the point.[1] Probably, also, it was understood that the failure of the province to provide for it was likely to be an obstacle to success in the petition which they had made that cannon and munitions of war be donated to them by the crown for Castle William.[2]

On the heels of the appropriation for Fort Frederick at Pemaquid, came Shirley's recommendation for the support of a chaplain for the garrison and the neighboring settlers there as a means to encouraging settlement and strengthening the defense of the place in case of attack. After further urging by Shirley and a stipulation that one-half the sum for a chaplain's salary be paid by the inhabitants, the legislature voted to provide for the spiritual needs of the garrison and settlers at Pemaquid.[3]

At about the same time, being informed that English citizens were being denied the freedom of the streets in Quebec

[1] Shirley's own instructions contained only a general direction to "require and press . . . fortifying all places necessary for the security of the said province by land," *etc.*, 56th instruction, *Sh. Cor.*, vol. i, p. 63.

[2] Shirley wrote to Newcastle and the lord president of the council on November first following to present further arguments in favor of a grant of cannon and supplies for Castle William. To the objections which had arisen in the committee of the privy council, that the province had not provided for the defense of Pemaquid and had not paid five hundred guineas due from them in connection with the previous similar gift from the crown, he replied that Pemaquid was being repaired and already two-thirds finished and that he was having an investigation made in regard to the previous action of the general court upon the matter of the five hundred guineas, preparatory to a statement by the Massachusetts agents in London. Shirley to Newcastle, Nov. 1, 1742, *C. O.* 5 900, 74; Shirley to the Lord President of the Council, Nov. 1, 1742, *Ar.*, vol. liii, fol. 138, published in *Sh. Cor.*, vol. i, pp. 93-95; *A. P. C.*, vol. iii, p. 725. *Cf.*, also, Kilby to Shirley, *Ar.*, vol. liii, fols. 174-175.

[3] *Jour.*, Sept. 10, 1742, p. 79; Nov. 19, 1742, p. 83; Dec. 30, 1742, p. 132; Shirley to Board, Sept. 15, 1742, *C. O.* 5 883, Ee, 68; Shirley to Newcastle, Sept. 15, 1742, *Sh. Cor.*, vol. i, p. 92; *A. and R.*, vol. xiii, p. 193.

by the French, he ordered that all Frenchmen in Boston be taken into custody and that they leave the town within five days.[1]

At the end of the year the governor returned to the subject of Castle William, reporting that fair progress had been made but that the appropriation for the purpose had already been exceeded and the new works were still unfinished. The European situation, he said, was threatening and the completion of the works urgent; upon their completion the city of Boston would be secure and probably immune from attack. Upon inviting a committee of both houses to accompany him upon a tour of inspection of the Castle, he secured within a day an appropriation of £1,100 for completing the repairs.[2] This he soon followed by a message pointing out that eighty-four great guns at the Castle and twenty more hoped for from the crown by spring[3] were

[1] Shirley to Newcastle, Sept. 15, 1742, *Sh. Cor.*, vol. i, p. 92. *Cf.* also, *Records of Boston Selectmen, 1736-1742*, p. 357.

[2] During the preceding summer Shirley had secured from the provincial secretary information regarding the precedents for providing for repairs of Castle William. Secretary to Shirley, Aug. 27, 1742, *C. O.* 5 899. For the proceedings regarding the Castle in Dec.-Jan., 1742-1743, *cf. Jour.*, Jan. 14, 1743, p. 147; *Ct. Recs.*, vol. xvii (3), p. 612; *A. and R.*, vol. xiii, pp. 205-206.

[3] On the granting of the request for these guns with the proviso that the province first pay the sum due, *cf. A. P. C.*, vol. iii, pp. 725-726; Board to Shirley, July 6, 1743, *C. O.* 5 918, 103; Sharpe to Committee of Council, Nov. 28, 1743, *C. O.* 5 884, Ff; Order in Council, Jan. 10, 1745, *C. O.* 5 885, 115, Ff, 75.

The news of the success of their petition arrived before the end of winter, and governor, council and house expressed gratitude and avowed "the strongest ties of duty, loyalty and affection to your sacred person and government and shall always endeavor with the utmost zeal and vigour to exert ourselves for promoting your majesty's honour and interest." (Governor, Council and House to the King, Feb. 8, 1743, *C. O.* 5 900, 83.) Later the assembly through Shirley presented their thanks to Newcastle for his intercession on their behalf. Shirley to Newcastle, Mar. 23, 1744, *Sh. Cor.*, vol. i, pp. 116-117.

nearly useless without trained men to handle them. He estimated that about 150 men were needed. This led to the revival and passage on January 15, 1743, of a bill entitled "An Act for inlisting the inhabitants of Dorchester into His Majesty's service, for the defence of Castle William, as occasion shall require." [1]

The succeeding spring opened and was followed by the other seasons in course without the momentarily expected rupture with France. In the summer Shirley sent some Spanish prisoners to England with a statement that he was searching for all Spanish sailors to be sent home as prisoners of war, and with a warning that sailors on Spanish prizes had by custom been disposed of in ports of the American colonies by captors as sailors for English vessels, giving them every opportunity to get information about the harbors, towns and forts in the English colonies.[2]

In October Shirley had news from home of increased danger of an immediate break with France. He at once executed commissions from the lords justices and the admiralty by sending letters from them to the other governors and to General Oglethorpe, and wrote to Newcastle that he would put the province in the best possible state of defense and guard against surprise.[3]

Having heard also of a privateer fitted out at Cape Breton, generally supposed to be a "Frenchman," he ordered the province snow to cruise off the New England coast in

[1] *Jour.*, Dec. 21, 1742, p. 122; Dec. 22, 1742, p. 123; *A. and R.*, vol. iii, pp. 44-45. *Cf.* also Shirley to Board, Jan. 30, 1743, *Sh. Cor.*, vol. i, p. 100.

[2] Shirley to Newcastle, July 8, 1743, *C. O.* 5 900.

[3] Shirley to Admiralty, Oct. 11, 1743, *Ad.* I, 3817; Shirley to Newcastle, Mar. 19, 1744, *Sh. Cor.*, vol. i, pp. 115-116; Shirley to Newcastle, Oct. 11, 1743, *C. O.* 5 900, 87; Shirley to Admiralty, Oct. 11, 1743, *Ad.* I, 3817.

search of it.[1] At the same time he sent a warning to colonels in command of the regiments of militia upon the frontiers to take measures to protect the frontiers and to warn the settlers there of danger.[2] Almost at once he named a committee headed by Colonel William Pepperrell and including other prominent residents of that district to take charge of fortifying the towns of York county, and another headed by Colonel John Stoddard and leading men in Hampshire county, to perform a similar service there. Pepperrell and Stoddard were the chief commanders upon the eastern and western frontiers respectively and they and their committees were to exercise large discretion, taking care not to exceed the funds available.[3]

Meanwhile further steps to complete the defense of the province had waited upon permission from home to emit bills of credit for a special fund for that purpose. This permission was given willingly and in the usual leisurely fashion. By the same process Shirley's request for discretion to approve further issues of bills of credit in the event of a French war, either a stated amount or as many as should be necessary, was disapproved. The reasoning behind the refusal was wholly characteristic of the board of trade viewpoint. They saw "no reason for such an allowance forasmuch as there is already provision, made by His Majesty's instruction for emergencies, provided the acts for such emissions have the suspending clause in

[1] Shirley to Governor Greene, Oct. 10, 1743, *Ar.*, vol. liii, fol. 162.

[2] *Me. Hist. and Gen. Rec.*, vol. iii, pp. 93-94; Dame, "Life and Character of Sir William Pepperrell" in *Essex Institute Historical Collections*, vol. xxi, p. 169; Shirley to Stoddard, *etc.*, Nov. 1743, *Ar.*, vol. liii, fol. 160, printed in *Me. H. S. Colls.*, sec. ser., vol. xi, p. 290.

[3] Shirley to Stoddard, *etc.*, Nov. 30, 1743, *New Eng. Hist. and Gen. Reg.*, vol. xiii, pp. 21-22; Shirley to Pepperrell, *etc.*, Nov. 30, 1743, *Ar.*, vol. lxxii, fol. 674, printed in Goodwin, *Records of the Proprietors of Narragansett Township, No. 1* (Concord, 1871), pp. 138-139.

them."[1] Here appear a mingling of tenderness lest the instructions they had drafted appear insufficient in an emergency, of blindness to the results of provoking a contest with the assembly over a suspending clause in the face of the enemy, and of innocence of all comprehension of the meaning of an emergency. In truth emergencies were not supposed to occur in colonial affairs. Colonial questions need not presume to disturb the decorum of the offices at home. In the case of the successful request of Shirley for a small emission of paper to complete the necessary defenses which might be needed at any time, even though there was full approval and more than ordinary dispatch in matters of the kind, it was nearly ten months after sending his application before Shirley was able to bring the report of his success before the legislature. It was but natural, since this seemed to meet the emergency as they saw it, that the board of trade should not see reason for more rapid action in any future emergency, unless that body were to abdicate its functions to a colonial governor, which even though the empire should fall, was unthinkable.

[1] Board to Committee of Council, Apr. 29, 1743, *P. R. O.*

The whole question of permitting larger emissions of bills of credit was brought up in the privy council, Jan. 19, 1743, referred by them to the committee of council, and referred by the committee to the board of trade for report. The latter consulted the data sent in Shirley's letters upon the Massachusetts currency (*cf.* Shirley to Board and enclosure, Mar. 19, 1743, *Sh. Cor.*, vol. i, pp. 101-107) and submitted this with their recommendation approving Shirley's request to the committee of council. The latter reported to the council, whereupon the lords justices in council approved the recommendation and on June 2d, directed the board of trade to prepare instructions for Shirley accordingly. The board reported them on the fourteenth and in due season the instructions were approved. This had occupied five months and eleven days. Order in Council, June 2. 1743, *C. O.* 5 883, Ee, 92; Board to Lords Justices, June 14, 1743, *C. O.* 5 918, 96; Order in Council, June 30, 1743, *C. O.* 5 884, Ff, 4; Board to Committee of Council, Apr. 29, 1743, *C. O.* 5 918, 85.

However, it should be said, in justice to the board of trade, that its insistence upon retaining actual control of governmental action in the home offices was largely confined to commercial questions, which were supposed to be its especial province, and that long experience had shown that there was small chance of securing the ends sought by the crown through a colonial governor under pressure from a colonial legislature if he were free from restraint from home. The board of trade also possessed the common British capacity of learning only by unpleasant experience.

The contrast between the preliminary and the event was vivid. Shirley announced his freedom to accept a special emission of bills of credit, September 9, 1743. Then followed a series of short messages from the governor urging action for the defense of one or two or three exposed places, usually getting a grant, not always as much as asked. Then came a report through the governor that war was likely with France, and a reminder that the king had lately presented the province with twenty guns, two mortars and thirty-six smaller cannon. The house promptly responded to his suggestion of a grant for defense, and also to the hint that further defense was necessary for a number of towns on the coast and inland. In a word, it was two months and three days from the time that the matter was laid before the house to the enacting into law of a comprehensive fortifications scheme, providing for the defense of the most exposed portions of the province on both sea and land frontiers.[1]

In carrying out this program for defense Shirley secured the services of Mr. Bastide, an engineer then employed by the British government in America, especially to

[1] For the material upon which this paragraph is based, *cf. Jour.*, Sept. 9, 1743, p. 76 to Nov. 11, 1743, p. 136, *passim; Ct. Recs.*, vol. xvii (4), pp. 218-228; *A. and R.*, vol. xiii, pp. 309-316.

plan and supervise the construction of works and batteries at Castle William, Marblehead, Cape Ann, and Falmouth in Casco Bay.[1]

The governor, also, after being warned by the lords justices of trouble brewing, raised ten companies of snow-shoe men of fifty men each upon the frontiers, four of them in York county, to be ready for instant pursuit of any hostile Indians who might make an incursion in the winter season. He likewise supervised the erection of the line of block-houses and garrisons voted by the general court to encircle the exposed settlements. Many of these he was informed would be completed by July next.[2] Finally a small appropriation for the defense of North Yarmouth was passed March 13, 1744.[3]

Two days later the French king declared war. The French declaration was followed on March 29, 1744, by the reciprocal English declaration.[4] This was followed in turn by a general injunction from Newcastle to take all opportunities to distress the enemy through privateers and "in their settlements, trade and commerce."[5]

[1] *Jour.*, Mar. 2, 1744, p. 182.

[2] Shirley to Newcastle, Mar. 19, 1744, *Sh. Cor.*, vol. i, pp. 115-116; Pepperrell, etc. to Shirley, Dec. 9, 1743, *Ar.*, vol. liii, fol. 165, printed in *Me. H. S. Colls.*, sec. ser., vol. xi, pp. 291-292.

[3] *Jour.*, Mar. 13, 1744, p. 195; *Ct. Recs.*, vol. xvii (4), p. 326; *A. and R.*, vol. xiii, p. 345.

[4] The French king's declaration of war, Mar. 15, 1744, *Sh. Cor.*, vol. i, pp. 112-114; *Jour.*, May 31, 1744, p. 7; Declaration of war against the French king, Mar. 29, 1744, *Sh. Cor.*, vol. i, pp. 117-121.

[5] Newcastle to Shirley, Mar. 31, 1744, *Sh. Cor.*, vol. i, p. 122.

The two declarations became known to Shirley unofficially at the same time by way of a trading vessel from Glasgow, on May 5th, thirty-seven days after the English declaration and fifty days after that of France. (Shirley to Newcastle, May 31, 1744, *C. O.* 5 884, Ff, 28.) The official English notification to him, however, did not reach him until June 2d (Shirley to Board, June 16, 1744, *C. O.* 5 884, Ff, 27).

Fortunately Shirley, although the war crisis was already imminent, had been allowed nearly three years of grace since his accession in which to perform the miracle of bringing the provincial legislature and the home government to the same ground, by harmonizing contentions which had resulted in the violation of the public faith and an empty treasury. In the same period he had succeeded in creating out of the ruins of the partial fortifications of the frontiers a comprehensive system of defense in tolerable condition when the war storm broke.

This delay was not wholly due to the slowness of the home government as the commander of the vessel bringing the news took time to capture two prizes on the way over. Shirley to Newcastle, July 7, 1744, *Sh. Cor.*, vol. i, pp. 131-132.

## CHAPTER VII

### Establishing an Imperial Policy

The placing of adequate strongholds adequately garrisoned about the environs of Massachusetts, however, was only the outer garment of Shirley's policy. He exemplified the belief that the proper function of a colonial governor was to be not an overseer of a plantation but a constructive statesman. He accepted the political and economic subordination of Massachusetts to the home government but he also recognized obligations of the home government to Massachusetts, and the rights and liberties of the province under her charter. He had the reverence of the lawyer for orderly action, and for the *status quo* so far and so long as protected by law. Yet although he was faithful to the letter of the law so long as its mandate did not endanger the state or involve the destruction of fundamental human rights, he drew his inspiration from the spirit of justice and equity. He recognized the power of public opinion and took note when laws were unenforceable. He also had both the vision and the courage to act without authority when the crisis demanded it.

He had an almost Prussian aptitude and liking for efficiency. However, it was an Anglo-Saxon efficiency, aiming at the realization of the law-protected freedom of Anglo-Saxon civilization, which he loved. He represented the best and most enlightened British thought of his times in his attitude toward the colonies.

His attitude is expressed in a paradox which in later

times has often seemed a contradiction, that the colonies were both subordinate to and integral parts of the empire. Their subordination was in theory the position of dependence which every political unit not autonomous sustains toward the sovereign state to which it is attached. Practically, this status was made less palatable to the colonies through the fact that, constitutionally, supreme authority rested with the Britons at home, whose interests were frequently in opposition to those of the colonists, particularly in regard to many economic questions. The colonists were legally bound by laws enacted by Parliament, a body in which they were not represented. For the legal protection of their interests and for influence upon action in England they were dependent on (1) the right of petition to king and Parliament, which they shared with Britons at home; (2) the right of judicial appeal to the king in council in cases of importance; (3) the activities of agents who represented colonial governments before all officials in England concerned in colonial administration; and (4) rights of local self-government granted in charters from the crown or allowed by the instructions to royal governors where charters did not exist.

The importance of this last factor was subject to great qualification. Instructions to governors might always be changed; and in the case of the chartered province of Massachusetts Bay, it was assumed at home that the king's ministers might so instruct the governor as to prevent the passage of acts clearly within the competence of the provincial legislature under the terms of the provincial charter. This was in effect an indirect method of amending the charter. King and Parliament also claimed, but did not fully exercise, as large powers over the colonies as over the realm.

The subordination of the colonies therefore was real. Its chief significance lay in the fact that the home govern-

ment while allowing large liberties to the colonists, now and then intervened to place under regulation some vital matter in a fashion more for the advantage of the realm than for that of the colonies. It does not follow from this factor of selfishness that the colonies received no advantage from the British connection. On the contrary, English interference in colonial affairs was not infrequently for the benefit of both the realm and the colonies, and the security of the colonies in time of war was immeasurably greater because of the British fleet and army.

For purposes of defense and foreign relations generally the colonies were theoretically integral parts of the empire. Also such acts of Parliament as were declared by that body to apply to the plantations were generally admitted by the colonists to be binding upon them, in spite of frequent evasions of acts restricting their economic freedom.

Shirley clearly saw the interdependence of realm and colonies, and believed that the colonies should be administered for the advantage of both. He saw that in some instances British measures benefited neither, and in others were unwisely harsh. His policy was calculated to avoid these defects. It was in substance, that of an imperial statesman in a colonial environment, convinced that the empire was built upon foundations essentially just and should endure to the mutual benefit of mother country and colonies. Perhaps his primary proposition would have been that a colony must enjoy reasonable content and prosperity in order to be truly beneficial to both the mother country and itself.

Shirley was shrewd in his political measures, and enemies accused him of being unscrupulous. No convincing evidence appears that he was not sincere and actuated by a sense of duty in public and private dealings. Shirley, obviously, must work with the men and the conditions with

which he came in contact. He always addressed the Duke of Newcastle with profound respect which often seemed to verge upon undue humility. Nevertheless, he urged his proposals and defended his measures to his patron with frankness and force. He also wrote with the air of one sure of a sympathetic hearing. His letters were calculated to appeal both to Newcastle's liking and to his judgment. Nor did he neglect so necessary a step as to establish pleasant relations with the private secretary of the great man, which he promoted by sending to this powerful subordinate a pipe of Madeira wine.[1] Similarly, a hint from the duke to Mrs. Shirley to cultivate good relations with Lord Wilmington, lord president of the privy council, led Shirley to pay successful court to that exalted personage.[2] Wilmington soon died and was succeeded by Lord Harrington, with whom Shirley also maintained pleasant relations.

Shirley corresponded regularly and fully with Newcastle and the board of trade. He also wrote frequently to the admiralty upon matters relating to their department, especially in time of war, and less frequently to the other offices in London, when matters coming under their jurisdiction were to be dealt with. His correspondence was enormous and his letters were usually full and clear.

At first Shirley did not enter largely into details in his letters to the board of trade, perhaps partly because of the pressure of business, and partly because of a desire to avoid wearying the board.[3] The board, however, was

[1] Shirley to Andrew Stone, Dec. 8, 1741, *C. O.* 5 899.

[2] Lord Wilmington commanded Mr. Thomlinson to inform Shirley that he would be his friend, and showed a readier approval of the early measures of his administration than did the cautious board of trade. Shirley to Wilmington, Apr. 30, 1742, *His. Mss. Com.*, 11th Rep., app. 4, pp. 292-294; Shirley to Newcastle, May 4, 1742, *Sh. Cor.*, vol. i, p. 86.

[3] He explained in January, 1743, that the details of certain mistakes in acts for issuing bills of credit "would be too long" to include in his letter. Shirley to Board, Jan. 24, 1743, *Sh. Cor.*, vol. i, pp. 95-96.

more interested than he thought in questions of administration, and particularly in the problem of paper money. They were wholly enlisted in an effort to remove the evils growing out of unrestrained emissions of paper and were rather repelled by the promptness with which Shirley had approved an emission of £30,000 in such bills upon receiving permission to do so, followed shortly by a request to exceed the amount allowed by his instructions. They, therefore, mingled approval with admonition,[1] and in the following July requested "a clear and explicit state of the paper currency as it now stands, that we may be able to judge, when there will be an end of this intricate affair." [2]

In the preceding month, however, Shirley wrote to the board giving detailed information on the subject, which was followed by another lengthy installment upon paper money in December of the same year.[3] Thus, since his policy in this instance was approved, the groundwork was laid for unqualified endorsement of his financial policy by the board, and this was accompanied by approval of the other measures which he had taken.[4]

A necessary basis for such approval by the ministry as well as by the board of trade was laid by substantial loyalty to his instructions not only in this capital point, but also in other matters. The board once noted that he had passed an act for the taking off of entails without a suspending clause and without a certificate that it had passed through specified stages required in the case of private acts by his seventeenth instruction.[5] Following this mild reminder

[1] Board to Shirley, Aug. 18, 1742, *C. O.* 5 918, 76.

[2] Board to Shirley, July 6, 1743, *C. O.* 5 918, 103.

[3] Shirley to Board, June 29, 1743, *C. O.* 5 884, Ff, 9; Dec. 23, 1743, *C. O.* 5 884, Ff, 19.

[4] Board to Shirley, Aug. 9, 1744, *C. O.* 5 918, 129.

[5] Board to Shirley, July 6, 1743, *C. O.* 5 918, 103; 17th instruction, *Sh. Cor.*, vol. i, pp. 49-50.

Shirley passed no more private acts during his administration, with the exception of three enacted after his return from England, each granting a divorce.[1] He demonstrated his regard for the rights of the crown, howbeit upon second thought, by stating his doubt "whether a subordinate government has power to make an act of so extraordinary a nature" as a private act for the sale of some wild lands of little value belonging to two minors, which he had signed without reflection upon being pressed to do so while in the chair.[2] He won from the board positive approval for his refusal to assent to a bill for repealing a law granting a bounty for killing crows, without a suspending clause in accordance with his instructions.[3] He refused in 1748 to assent to an excise act, signing which he deemed would violate his sixteenth instruction, inasmuch as the act was of an unusual and extraordinary nature and "the trade of Great Britain would be considerably affected thereby."[4] Finally, after allowing through inadvertence, as he explained, some acts at the beginning of his administration to pass with the enacting clause so worded as seemingly to imply that acts were valid merely upon passage by the general court and without approval by the crown, he usually insisted in accordance with his seventh instruction upon the wording: "Be it enacted by the Governor, Council and House of Representatives."[5]

[1] *A. and R.*, vol. vi, pp. 161-170, *passim*.

[2] Shirley to Board, Jan. 30, 1743, *Sh. Cor.*, vol. i, p. 101.

[3] Board to Shirley, Aug. 9, 1744, *C. O.* 5 918, 129; 11th instruction, *Sh. Cor.*, vol. i, p. 47. Shirley also declined to approve another law in 1748 on similar grounds. *Jour.*, June 23, 1748, p. 60.

[4] *Ibid.*, 16th instruction, *Sh. Cor.*, vol. i, p. 49.

[5] Even after this time, however, occasional acts slipped through not in conformity with the prescribed language. *Cf. A. and R.*, vol. iii, pp. 18, 24, 38, vol. v, pp. 139-140; Shirley to Board, Aug. 30, 1742, *C. O.* 5 883, Ee, 67; seventh instruction, *Sh. Cor.*, vol. i, p. 45. *Cf.* also, for the later history of the question, *A. and R.*, vol. v, p. 506.

The preceding incidents related to instructions for which the governor was not responsible, but in one instance he suggested, although he did not request, the addition of an instruction not included among those prepared for him in 1741. The question at issue was primarily that of increasing the number of townships in the province. Shirley might have approached this question from the angle of the effect which the erection of townships had and might have in Maine in encouraging the appropriation of reserved mast trees by private persons; but he allowed this consideration to remain in the background, merely referring, among other matters, to the fact that sixteen new towns were erected during Belcher's administration. Shirley did not at first oppose the formation of new townships, but consented to acts for the organization of Western[1] and Pelham[2] in that form. He may have received a hint for a different policy from a petition presented from parts of Attleboro and Rehoboth, praying that they be set off as a separate precinct instead of being erected into a new township as provided in a bill which had passed both houses.[3]

It is not unlikely that Shirley was stimulated to take measures to check the formation of new towns when on June 4, 1742, the house voted a joint committee of the two houses to investigate the progress of the grantees of townships granted since 1725, and to consider a proper encouragement for settling them speedily. If the plan indicated were carried to completion there would soon be a grist of new towns to go through the legislative mill. The purpose of the house appeared in clearer outline and scope in a vote of June 21, 1743, for a joint committee to sell after February 1, 1744, all lands in the townships granted

[1] *Ct. Recs.*, vol. xvii (3), p. 236; *A. and R.*, vol. ii, pp. 1088-1089.

[2] *Jour.*, Jan. 15, 1743, p. 153; *A. and R.*, vol. iii, p. 49.

[3] *Jour.*, Nov. 26, 1742, p. 92.

in Hampshire county, between Hampshire county and the Merrimac river, and in Maine, respectively, in case the proprietors of the same were delinquent at that time in the performance of the conditions of their grants. The council succeeded in securing the adoption of a substitute motion that there should be a committee on grants of townships in general "to project some suitable method for the more effectual settlement of the said grants." [1]

The question came squarely before the governor in 1742, when the legislature passed bills for dividing three old townships, thereby creating three new ones. These bills Shirley refused to sign and wrote to Newcastle giving the reasons for his refusal fully. Shirley looked at the question as one of policy, affecting the constitution of the government of Massachusetts. He did not question the power of the province under the charter to erect new towns, but he believed that the right was being used to change the balance of power among the different branches of the provincial government in a sense not intended by the makers of the charter, and that every beneficial end attainable by the creation of new towns could be secured equally well by other means.

The chief points in his argument were as follows: under the charter of 1692 the members of the council were chosen by the general court. In the court's membership the representatives vastly outweighed the council, and therefore might almost be said to be the constituents of the council. This dependence of the council upon the house suggested "a check upon if not a wrong bias in" the council in disputes between the house and the governor. The large increase in the number of representatives since 1692 had for several years past constituted an embarrassment to the government. Although normally many towns did not take advantage of

[1] *Jour.*, June 21-22, 1743, pp. 64, 65, 67.

their representation or were not fully represented, they were always prepared to double their numbers in the event of a dispute with the governor. He proposed to put an end to this method of increasing the number of representatives by erecting from new plantations, not towns, but precincts, parishes or villages, with all the privileges of towns except that of sending representatives to the general court.

Shirley's arraignment of the system in vogue is forceful, and, from the point of view of a prerogative man, convincing. Moreover, it may be doubted whether the province needed more representatives than might be sent by the 160 towns then existing, nearly all entitled to two representatives each and Boston to four. On the other hand, if the popular feature of the government was to be maintained upon an equitable basis, the new settlements should have had a share in it proportioned to their numbers. Possibly such a result might have been approached by periodic redistribution of representation with a proviso that the total number of representatives should not be increased. To such a measure Shirley might not have been opposed. His actual scheme would not have deprived the people in new settlements of the local self-government which had been carried out through the towns, but would have prevented the development of popular strength in the legislature.[1]

On the whole it was clearly the belief of Shirley that the Massachusetts politicians had set to work, under the guise of providing necessary local government for new communities, to undermine gradually, almost imperceptibly, the king's authority as embodied in the governor. They would ultimately leave the executive isolated even from his official advisers, who would be a royal council in name but popular

[1] This question arose at a time when representation in the English Parliament was far from equitable, and when no scheme for readjustment of it was in sight.

representatives in fact. Undiluted popular control Shirley could not consider possible in a government in which the imperial element was to have effective expression.

The board of trade fully agreed with Shirley's judgment as to the matter and proposed an instruction to the governor forbidding him for the future to consent to the erection of new towns. This was approved by the lords justices in council and Shirley was instructed accordingly.[1]

The house raised the new-township issue again in the spring of 1744, by voting that the people of Lincoln, on St. George's river in Maine, be allowed to bring in a bill for their erection as a township. The council non-concurred and voted that the petitioners be allowed all town privileges save that of sending a representative. This the house rejected, but it could not secure the adoption of its own vote.[2] The position taken by the governor and council at this time was accepted in January, 1746, in the instance of Natick, which was made a precinct or parish with the local government of a town.[3]

Shirley, however, departed from his earlier policy in this regard after his return from England in 1753. He then signed acts for erecting three new towns in April, 1754, in violation of the instruction of 1743, and was reminded of the latter by the board of trade. Whether this change in

[1] The instruction is in Board to Lords Justices, July 27, 1743, *C. O.* 5 918, 108, printed in *A. and R.*, vol. iii, p. 72. For this affair *cf.* Shirley to Newcastle, with enclosed *State of the Province of the Massachusetts Bay, as to its Number of Representatives*, Oct. 18, 1742, *C. O.* 5 900, 69; Board to Committee of Council, June 8, 1743, *C. O.* 5 918, 92; Order in Council, June 30, 1743, *C. O.* 5 884, Ff, 1; Board to Shirley, July 6, 1743, *C. O.* 5 918, 103; Board to Lords Justices, July 27, 1743, *C. O.* 5 918, 108; *A. and R.*, vol. iii, pp. 69-72.

[2] *Jour.*, Mar. 6, 1744, p. 187.

[3] *Jour.*, Jan. 4, 1746, p. 144; *Ct. Recs.*, vol. xvii (5-1), p. 222; *A. and R.*, vol. xiii, pp. 520-521.

attitude on his part was in any degree due to a belief that the representative system was inequitable when growing settlements were excluded from it, does not appear.[1]

Upon receiving the instruction upon this point Shirley wrote to the board suggesting that it be extended to cover the dividing of counties for a like purpose which he found attended by inconveniences in many respects. To this the board responded by advising that he approve no more acts for dividing counties, adding that if he regarded an additional instruction forbidding it as absolutely necessary they would recommend one for the purpose to the king.[2] However, such an instruction does not seem to have been needed. When a bill for dividing Suffolk county, a measure extensively agitated during Belcher's administration, came before Shirley in the spring of 1744, he stated that he could not sign it as it would repeal a part of a law for settling the bounds of the counties. He offered, however, to sign an act for removing the inconveniences aimed at in any other way.[3]

Shirley also remained loyal to those royal interests which had absorbed his attention while advocate-general of the admiralty. Almost at once after his appointment he named William Bollan, a very able Englishman, and later Shirley's son-in-law, as advocate-general, and this appointment was made permanent by the admiralty.[4]

Bollan seems to have promptly made an effort to break up illegal trade but found the attempt attended by such "dis-

[1] For this later episode, *cf. A. and R.*, vol. iii, pp. 728-729, 730-731, 745.

[2] Board to Shirley, Aug. 9, 1744, *C. O.* 5 918, 129.

[3] *Jour.*, June 18, 1735, p. 40; Dec. 23, 1735, p. 168; Jan. 9, 1736, p. 207; June 9, 1736, p. 36; June 14, 1738, p. 35; Mar. 22, 1744, p. 208; *Ct. Recs.*, vol. xvi, pp. 166-167, 256.

[4] Shirley to Admiralty, Feb. 1, 1742, Oct. 1, 1743, *Ad.* I, 3817.

coveries" and difficulties that Shirley ordered him to report upon the situation to the board of trade. From the statements of both Shirley and Bollan, voluntary and elicited by queries from the board of trade, as to illegal trade in the province it appears that there was a very extensive commerce between Massachusetts and all parts of Europe. Stress was put by Shirley upon the Holland trade, which brought in large quantities of goods from Spain. In many cases the goods brought were prohibited from being imported not only into the colonies but even into England, and Spanish goods especially were taboo during the war. In exchange for these goods, Shirley declared in 1743, vessels were fitted out in Massachusetts, loaded with provisions, manned by naturalized French refugees or persons who could pass as such, and with French passes were taken to the ports of Spain. Dutch merchants were underbidding the English for the New England broadcloth market, selling their goods through New England agents. Many Massachusetts merchants and some of the richest in the country were engaged in this business, and they were bold enough to justify the trade publicly, thereby creating a public sentiment such that any illegal trade was now approved. He sounded a warning that the British trade to the colonies and their dependence upon Great Britain would be lost if care was not soon taken. The danger was emphasized by the statement that in the preceding year the illicit-trading ships from Holland at Boston were more numerous than the ships from London. He added that these illicit traders might soon become so powerful that orders and laws from England would come too late.

Shirley explained that breaches of the statute of 15 Charles II, chapter 7, were not cognizable in the admiralty court, and that in the common-law courts delays, with trials in distant counties and before hostile juries, were some of

the difficulties encountered. Moreover, trial by jury in such cases was trying one illicit trader by his fellows or well-wishers. Excellent facilities for smuggling existed in numerous remote harbors where goods could be landed without observation, and masters of vessels were adepts in perjury and in making witnesses invisible.

The governor suggested as a remedy, that the court of admiralty be given jurisdiction of cases under the statute referred to above, or better, that any colonial court of admiralty have jurisdiction over any breach of any act of trade. He further suggested actions of detinue against chief offenders to recover the cost of the goods involved, with appeals to the king in council, by which means the cases could be won.[1]

In this connection it is just to observe that extensive illegal trading at Boston was not a new condition, although the war with Spain stimulated a contraband trade with her that was not necessary in time of peace. While Shirley, as advocate-general, was showing zeal on behalf of the king's woods, he gave a position of secondary importance to the prosecution of illegal traders. No evidence has been found of collusion with them or of neglect of duty in that regard, but he, at that time, conducted no campaign against them with the purpose of stirring up the home government as he did in the case of the woods. The exigencies of a time of war may have led him to stress the issue when he did. Considering Shirley's attitude throughout his career, it is doubtful if he regarded the British commercial restrictions as they applied to New England as wholly just. On the other hand he clearly believed that

[1] For the situation affecting illegal trade in Massachusetts *cf.* Shirley to Board, Feb. 26, 1743, *C. O.* 5 883, Ee, 86; Bollan to Board, Feb. 28, 1743, both printed in *Pub. Col. Soc. Mass.*, vol. vi, pp. 297-304; Board to Newcastle, May 11, 1743, *C. O.* 5 883, Ee, 88; Shirley to Admiralty, Oct. 3, 1743, *Ad.* I, 3817.

acts passed by Parliament regulating New England trade should be obeyed and that the New England governments should loyally subordinate the commercial interests of their people to the interests of the empire, especially in time of war. His position at this time seems to have been substantially that without intervention by the home government the efficient enforcement of the acts of trade was impossible.[1]

In the autumn of 1742 Shirley was asked by the admiralty for advice in regard to an application by Judge Auchmuty of the admiralty court that his son be appointed as register of the courts over which he presided in Massachusetts, New Hampshire and Rhode Island. Shirley replied that the office of judge of admiralty was important and the fees attached were an inadequate compensation; that Auchmuty had served as judge with good abilities, a due regard for the interests of the crown, the droits of the admiralty, and the ease of the subject; and he therefore considered his request was not unreasonable if the admiralty wished to remove the incumbent of the office. The latter, he added, was also register of the probate court for Suffolk county and had no active function save signing his name in either office, relying upon an able deputy.[2] Less than a month later Shirley wrote the admiralty again upon the subject to say that certain cases had come to his notice since his last writing which made him believe that the register should be a person "supposed to be a check upon the judge in some cases; particularly when money belonging to the suitors is ordered by the judge to be brought into court," in which case it was lodged in the register's hands.[3] He thought

[1] For later instances of Shirley's policy in matters of trade, *cf. infra*, pp. 146-148, 161-162, 164, 173-177, 189, 392-393.

[2] The incumbent was Andrew Belcher, son of ex-governor Belcher. *Cf.* Shirley to Admiralty, Sept. 24, 1742, *Ad.* I, 3817.

[3] Shirley never directly impeached Judge Auchmuty's honesty, although he more than once referred to his embarrassed financial con-

that if the judge and register were father and son and the son young, it "might have a tendency to give the father such an unlimited power over money deposited in court as would be attended with inconveniences; which might also happen in other respects, that I don't mention, and for that reason I have altered my sentiments concerning the fitness of Mr. Auchmuty's son's being appointed register whilst the father is judge." This was followed by an indorsement of Belcher's honesty, and a recital of his pledge that he would in future perform the duties of the office so far as possible in person.[1]

Meanwhile his first recommendation had been carried out, and merchants of Boston were petitioning that Auchmuty be removed and Belcher restored. Under the conditions a letter from the governor in May, 1743, seemed to indicate that, contrary to his usual custom, he had upon this matter become a veritable weathercock, for he now wrote saying he had discouraged the merchants' petition by telling them he had written to the admiralty on this point and upon the fitness of Mr. Belcher. He also observed that the petition came from enemies of Auchmuty, some of whom had been condemned by him for illicit trade, and that the petitioners should have waited for an instance of

dition. When engaged by request of Newcastle in collecting from Auchmuty a debt due Sir Thomas Prendergast Shirley aided the judge to secure the post of agent for Massachusetts to prosecute their appeal in the matter of the Rhode Island boundary. Shirley explained at the time that aside from the aid it afforded in securing Sir Thomas' debt, he would not have approved the choice of Auchmuty for that post, since the latter had at one time been at the head of the land bank and had thereby made himself obnoxious to the merchants of the province. (Shirley to Newcastle, Apr. 18, 1742, *C. O.* 5 900, 51.) It is possible that Shirley lent himself to the advancement of Auchmuty's son to the post of register as a further step toward securing the debt which the father owed.

[1] Shirley to Admiralty, Oct. 19, 1742, *Ad.* I, 3817.

misconduct.[1] He added that although he had opposed father and son serving together, hoping his letter would be received before Belcher was removed, he did not wish to urge a change in their action if his former letter did not produce it.[2]

Ultimately in accordance with Shirley's second recommendation and the petition of the merchants, Auchmuty was removed and Belcher restored. Finally, in the following October Shirley offered further explanation of his sudden coolness toward Mr. Belcher's restoration and his readiness to tolerate nepotism in the admiralty court. This, it seemed, was the occurrence of a new onslaught upon the court's rights and influence in enforcing the acts of trade which he felt would endanger its usefulness for the future in protecting the crown's rights. Therefore, as the petition for Auchmuty's removal represented the interests of those merchants who were trying to destroy the admiralty court, he felt that the defeat of their petition would conserve the prestige of both the court and the governor.[3] To prevent the success

[1] The petition referred to was signed by forty-one merchants and included such names as Thomas Hutchinson, Edmund Quincy, Thomas Hubbard, James Bowdoin, John Hill, Jacob Wendell, Benjamin Faneuil, Andrew Oliver and Jacob Royall. Shirley to Admiralty, May 5, 1743, *Ad.* I, 3817.

[2] Shirley to Admiralty, Oct. 3, 1743, *Ad.* I, 3817.

[3] He explained that an original device for defeating the court in its efforts to enforce the acts of trade, had been successfully employed by the principal merchant of Boston, who had since died. This leading trader induced seven or eight witnesses who had been compelled by process of the admiralty court to appear, to refuse to testify, and when they were committed to the Boston jail in custody of the marshal of the court for contempt until they would testify, the defendant paid their bills in jail and secured writs of *habeas corpus* from the superior court on their behalf. The hearings upon these resulted in a ruling by that court that the admiralty court could not commit anyone to the town jail in the custody of its marshal, since he was not the customary keeper of that jail. This, Shirley observed, was excluding the court of admiralty from the use of the king's jails and rendering it impotent in

of this effort he suggested the passage of an act of Parliament giving the unquestioned right to the court of admiralty to commit prisoners to the jails in the custody of the marshal, despite a contrary ruling of the superior court. This new phase of the ingenious campaign against the admiralty jurisdiction in America, he explained, induced him to think it better that Auchmuty continue as register than that the party of enemies of the court should carry their point. The malcontents, however, whether through their own influence or by virtue of the previous recommendation of Shirley, received what they asked.[1]

It was natural, in view of Shirley's former interest in and activity concerning the eastern country, that the board of trade should have appealed to him in the summer of 1743 for suggestions regarding ways and means for developing that district. The board upon consulting the charter of Massachusetts discovered that lands there could not be granted by either the province or the crown without the common consent of the two. This the board astutely concluded had prevented settlement until that time and might continue to do so indefinitely unless some expedient were found to reconcile these difficulties. They then expressed a wish, probably more or less formal, "that the people of Massachusetts might be induced to come into such measures as might render this tract of land of some utility to the public, and so much the rather, because the settling of it might not only be of great advantage to their mother country, but also a security to themselves, by becoming a barrier between them and their French and Indian enemies

even the most criminal cases unless the marshal should use his own house for a jail. This ruling had been most vigorously opposed by Bollan as advocate until the death of the principal party put an end to the suit. Shirley to Admiralty, Oct. 3, 1743, *Ad.* I, 3817.

[1] Shirley to Admiralty, Oct. 3, 1743. *Ad.* I, 3817.

in time of war." This introduced the recommendation that the governor consult the chief and the most sensible people of the province and report his own views and theirs as to the feasibility of securing action by Massachusetts which would allow settlement of the district.[1]

In November Shirley sent his assurances that he would obey their commands in this regard[2] and in the following March made report of the results reached by consultation with some of the most sensible and influential members of the assembly. His conclusion was, in brief, that there would probably be little difficulty in inducing the assembly to give up the claim of the province to the soil and government of the country between Sagadahoc and Nova Scotia, if the crown would confirm to the grantees property rights in grants made by the general court of Massachusetts before the New Hampshire boundary was settled, within towns awarded by that settlement to the latter province, and would further unite to Massachusetts the detached portions of certain towns which were severed by the boundary line as fixed by the award.[3] A petition for the latter purpose was then pending before the privy council from the owners of the lands.[4] Shirley added a glowing tribute to the value of the eastern lands as one of the most valuable tracts between Nova Scotia and Florida, and the judgment that there was not the least prospect of settlement taking place beyond St. George's river so long as the district to the east remained part of Massachusetts.[5]

[1] Board to Shirley, June 22, 1743, *C. O.* 5 918, 101.

[2] Shirley to Board, Nov. 7, 1743, *Sh. Cor.*, vol. i, p. 111.

[3] The towns referred to were Salisbury, Amesbury, Haverhill, Dunstable, Nottingham, Groton and Townshend.

[4] This was the petition which Thomas Hutchinson had gone to England to promote and which was finally acted upon adversely in 1746. *A. P. C.*, vol. iii, p. 601.

[5] Reasons for this difficulty in securing settlements in the eastern

He concluded that it would be better for that country to be separated from Massachusetts and settled by the crown under its more immediate control. If not so settled he warned that there was danger of encroachment by the French upon it, they having become very numerous in those parts, and being both very industrious and possessed of absolute influence over the Indians through missionaries, intermarriages and presents.[1]

This letter of advice elicited a statement from the board that the matter was very important, and that the proper persons must be consulted, and due consideration given. Apparently, however, the matter was too important ever to receive from the "proper persons" and from the board sufficient consideration to lead to action.[2]

Last but not least, Shirley accomplished considerable as governor, following what he had done as advocate-general, for the preservation of mast trees reserved for the crown. He early expressed his already well-known opinion to the admiralty that the preservation of the king's woods in Massachusetts and New Hampshire was of the utmost consequence to the royal navy, and pledged his special care for the protection of those in Massachusetts, announcing that he was preparing a scheme for the better attainment of the end in view.[3]

country were, he said, the opposition of the owners of wilderness lands in western Massachusetts, who feared depreciation in the value of their property if in competition with eastern lands, and the heavy expense of defending the eastern country in time of war. The result had been the practical yielding of the country up to the Indians in Belcher's time. *Cf. supra*, p. 77.

[1] Shirley also thought arrangements could be readily made for settling Protestant families in the district provided the lands selected for settlement were free from previous grants by the council of Plymouth and by the Indians. For Shirley's views upon this matter, *cf.* Shirley to Board, Mar. 12, 1744, *C. O.* 5 884, Ff, 23.

[2] Board to Shirley, Aug. 9, 1744, *C. O.* 5 918, 129.

[3] Shirley to Admiralty, Feb. 1, 1742, *Ad.* I, 3817.

For about two years, however, Shirley did nothing notable affecting the woods. Meanwhile Dunbar, still ardent as surveyor-general, urged before the home government a complaint that the workmen employed in cutting masts for the navy in New England were being interrupted in their work as a result of the spirit raised among the people because of the non-enforcement of the orders in council regarding the case of Frost *v.* Leighton.[1] He recalled to the board of trade that before Shirley's appointment as governor it had been stressed by both Shirley and himself that a proper governor might do much for the preservation of the woods, and observed that Mr. Shirley "now has the power, and I dare say does not want the inclination." Dunbar suggested writing to Shirley upon the subject, including the matter of Leighton's appeal in the case which Shirley had carried before the privy council. He further suggested asking Judge Auchmuty's opinion whether the order in council on Leighton's appeal[2] could then be enforced and by what steps in England.[3] The surveyor-general also petitioned the king in regard to the Leighton affair and this came to Shirley's notice through a letter from the secretary of the privy council to him in the late summer of 1743, notifying him of the king's pleasure that he should "forthwith cause those orders to be complied with, and transmit an account of my proceedings therein to His Majesty in Council."

This direction resulted in an order from the governor to the judges of the provincial courts which had issued the decrees in Frost *v.* Leighton directing them to reverse their decisions and to secure the reimbursement of the sums of money levied by those decrees upon the defendant.

[1] Shirley to Newcastle, Nov. 14, 1743, *C. O.* 5 900, 88; *supra*, pp. 60-61.

[2] *Cf. supra*, pp. 60-61.

[3] Dunbar to Board, Feb. 8, 1743, *C. O.* 5 883, Ee, 75.

Shirley then reported to Newcastle: "Whereupon in obedience to His Majesty's commands I have caused those orders to be carried into execution, and two sums of money, which had been paid by the said Leighton to the prosecutor Frost, in pursuance of a judgment obtained against him in the provincial court, to be restored to him; and have transmitted an account of my proceedings to His Majesty in Council."[1]

The only record of this action which has been found in the *Suffolk Files* and the Massachusetts *Archives* is a memorandum by the superior court that Shirley's order and accompanying documents had been received, and that the court had ordered its clerk to prepare a draught of a summons or other process to notify Frost to show cause why the order in council so far as it concerned him should not be complied with, *etc.*[2] The explicit statement by Shirley, however, that the orders in council were carried out and that the costs levied upon Leighton were returned is apparently conclusive upon those points. The mere absence of specific records of the provincial courts does not neutralize such testimony, particularly as it was a matter concerning which the provincial courts would naturally be better satisfied not to be embarrassed by records.[3]

From Shirley's statement it appears that the outcome of this case was a complete legal defeat for the friends of the wasters of the king's woods not only in England but

[1] For facts regarding Dunbar's petition to the king and Shirley's consequent action, *cf.* Shirley to Newcastle, Nov. 14, 1743, *C. O.* 5 900, 88.

[2] *Suffolk Files*, 57788.

[3] Moreover, since the record books of the Massachusetts courts were kept with notorious lack of care in this period, and their court files have until recent years passed through many vicissitudes, a record of this sort might easily have been omitted or lost without intent on the part of the court or its clerk.

in Massachusetts. So far as claims were presented that charter rights were being infringed by the action of Leighton, those pretensions were in the conclusion defeated.[1]

At about the same time Shirley was consulted by the admiralty in regard to the situation in Massachusetts affecting the king's woods and wrote on the matter at length. He found that the charter reservation of mast trees apparently reserved only those trees which were twenty-four inches in diameter twelve inches above the ground, in 1690, although an act of Parliament had since reserved all trees of the stated size growing at any time upon lands that were not privately owned in 1690.[2] The act of Parliament, however, had failed to protect the workman from a suit for trespass in case he cut trees not allowed by the literal wording of the charter, even if he had a license from the crown. Shirley also stated, but held invalid, the argument that the lands of Maine were all in private ownership at the time of the grant from the crown to Sir Ferdinando Gorges and ever since his time.

He suggested an act of Parliament providing that within the province of Massachusetts no one, without royal license, should cut or destroy any white pine trees which were of the stated size at the time cut unless they grew upon ground which was private property in 1690, and making it lawful to cut such reserved trees with royal license. He would fix a penalty for unlicensed cutting, and also for hindering or obstructing any person so licensed from cut-

[1] *Cf. supra*, p. 61, note.

[2] 2 George II, c. 35. He observed that a workman cutting trees which had not been of the stated size in 1690 but which had since exceeded that dimension, if growing upon land at the time belonging to a private person or a township, was, according to the literal terms of the charter, liable to a suit for trespass, even though he were cutting under a royal license. This was the ground taken by the province courts in Frost *v.* Leighton.

ting reserved trees, such penalty to be recovered in the court of admiralty in Massachusetts. For the further protection of the agents of the crown he would have any such who were sued for cutting reserved trees allowed to plead the general issue, offer special matter in evidence, be entitled to treble costs if they won, and to an appeal to the privy council if they lost.

He added that such an act was very necessary unless he secured a provincial act to protect the woods, which he would try to do. To prevent evading the act of Parliament by hewing mast trees into the form of "balks" for export, he would have the export of mast trees in any form forbidden. This would aid the navy and injure the enemy in time of war.[1]

Shortly after sending this letter the governor succeeded in getting from the legislature an act which was much like that which he had suggested for Parliament. This he declared the first ever passed by the assembly in favor of the crown's interest in the woods. Because it was very unpopular, he reported, it was limited to a three-year period, but he hoped to secure a renewal when it expired.[2] The act was renewed in 1747 and continued in force until 1756;[3] shortly before Shirley retired from office it was revived again.[4] Shirley's zeal and success in the service of the king's woods were well approved by the ministers. His meed of praise was that of the good and faithful servant.[5]

[1] Shirley to Admiralty, Oct. 1, 1743, *Ad.* I, 3817.

[2] *A. and R.*, vol. iii, pp. 116-117. For his account of the act, *cf.* Shirley to Newcastle, Nov. 14, 1743, *C. O.* 5 900, 88.

[3] *A. and R.*, vol. iii, p. 326.

[4] *Ibid.*, p. 984.

[5] Board to Shirley, Aug. 9, 1744, *C. O.* 5 918, 129.

## CHAPTER VIII

### Reforms, Chiefly Economic

Shirley entered office as a war governor and was under the pressure of military necessities, present or anticipated, throughout his administration. Consequently the preparation for and the waging of war often seems to be the major theme of his policy as governor. It was often of necessity the most prominent one, yet Shirley thought more naturally in terms of peace than in those of war. It was characteristic of his comprehensive intelligence that he planned for peace and war at the same time and by the same fundamental measures. He added to these the special preparations which are inseparable from successful warfare, but aside from these his chief concern was to build strong foundations for a flourishing province. He realized that well-rounded strength in any society must include economic strength. His realization of this fact and his willingness to work for the development of a sound economic life in Massachusetts, even seeking in spite of ties binding him to the ministry the amelioration of conditions which were bad because of the selfish viewpoint or the ignorance of the home government, constitute perhaps his chief title to greatness. He realized that, contrary to the impression of many in both England and America, he would be most helpful to the empire and to Massachusetts by giving his people a healthy prosperity.

One of Shirley's earlier governmental problems which had an economic bearing related to the regulation of the

fees charged in the courts and public offices of the province. The governor was instructed to regulate salaries and fees with the advice and consent of the council, in such a manner that they should be "within the bounds of moderation, and that no exaction be made upon any occasion whatever." [1] Since fees had been regulated in Massachusetts by the general court, this apparently meant that the governor should act in the manner specified upon bills for regulating fees passed by the assembly.

A bill for regulating fees, *etc.*, came to the governor in the busy session of January, 1742, but he informed the legislature that the proposed act contained such a variety of matters that he could not pass upon it before the next session of the court.[2] When Shirley addressed the two houses upon the subject in April he stated that it was a matter of importance and that he had made an investigation since the last sitting of the legislature of that phase of the subject relating to court fees, securing data upon the fees charged and the usual number of suits in the courts of New York, New Jersey and Pennsylvania, upon the fees charged in Connecticut and Rhode Island and the number of suits in the principal court of each, and also similar information for Massachusetts for the past year. This data he had collected, he said, that "I might the better judge which establishment best served the publick good."

An analysis having shown that in the middle colonies the fees were much higher and the number of suits much fewer than was the case in Massachusetts and the other New England colonies investigated, he concluded that the multiplicity of lawsuits in New England was due to low court fees. This he thought a bad thing, because of loss of time to all concerned, the temptation to a debtor to defer

[1] Instructions to Shirley, art. 31, *Sh. Cor.*, vol. i, pp. 55-56.

[2] *Jour.*, Jan. 15, 1742, pp. 176-177.

payment of his debt,[1] and to poor men to be litigious to their own injury. He decided therefore that the proposed act for reducing the former fees by one-half would have bad results. He offered, however, to sign it if the assembly would repeal the former act in specific terms and insert a suspending clause, in accordance with his seventh and eleventh instructions, respectively.[2] The assembly, however, prepared a new bill of fees which Shirley informed them he was unable to sign but would transmit to the king.[3]

Returning to the subject in May, 1742, Shirley suggested a temporary law until the king's pleasure could be known upon the bill sent home, and also proposed an explanatory law to make it impossible to carry cases to the superior court upon appeal when the appellant had allowed the case to go against him by default in the inferior court.[4] The general

[1] Shirley elsewhere explained this chief indictment against the prevailing scale of fees more fully and stated that because of the smallness of the fees, which were paid in depreciated bills of credit, a debtor's ordinary costs of suit on the recovery of a debt clearly due were frequently less than the interest on the debt during the delay incident to the suit. Consequently, he added, the people had become so habituated to allowing themselves to be sued for an indisputable debt and had grown so insensible to the discredit of it, that it was not infrequent for persons of some circumstances and character to allow judgments to be given against them by default in open court for just debts and to appeal from one court to another merely for delay, whereby lawsuits were scandalously multiplied and a litigious, trickish spirit promoted among the lower sort of people. Shirley to Board, Dec. 23, 1743, *C. O.* 5 884, Ff, 19.

[2] *Jour.*, Apr. 2, 1742, pp. 222-225; *Sh. Cor.*, vol. i, pp. 45, 47.

Had the assembly accepted this offer the measure would have been submitted to the home government, where Shirley's objections would probably have killed it, and then he would have been prevented by his eleventh instruction from approving such an act for the future, which would no doubt have resulted in the continuance thereafter of the former or higher fees.

[3] *Jour.*, Apr. 23, 1742, p. 263.

[4] This practice he held had grown up by a misconstruction of a provincial law.

court adopted the former of these measures on July 1, 1742, by passing an act nominally reducing fees in general by one-half, but actually doubling them.[1] In this connection Shirley advocated, although he did not insist upon, his views as to the proper level for court fees.[2] This was followed by other temporary acts in September, 1743, and October, 1744.[3]

In 1747 Shirley told the legislature that the effect of the act of 1742 doubling the fees was "to reduce the number of law suits in the province to considerably less than one-half of what they amounted to before."[4] He also wrote to the board of trade, with obvious reference to the same act, that in addition to the great reduction in the number of lawsuits in general, the number of suits for plain debt had been reduced two-thirds.[5]

It is apparent that legislation upon this subject and the act secured by Shirley in 1742 for the purpose of insuring to creditors the full value of their outstanding debts regardless of the depreciation of the bills of credit between the time the debts were contracted and the time of payment, had an intimate interrelationship. It will probably be generally agreed that the reduction of the volume of litigation is usually in the public interest, provided it is brought about without denying substantial justice to any citizen. Inasmuch as the fees were obviously not prohibitive unless in cases of extreme poverty, doubtless substantial justice was done, while the people could hardly avoid being more honest and more prosperous.

[1] *A. and R.*, vol. iii, pp. 13-18. The increase arose from the fact that they were payable in the recently issued new-tenor bills having a value four times as great as old-tenor bills of the same nominal value.

[2] *Jour.*, May 28, 1742, pp. 8-9.

[3] *A. and R.*, vol. iii, pp. 101-107, 176-181.

[4] For Shirley's statement on this matter, *cf. Jour.*, Feb. 14, 1747, pp. 254-255; printed, *A. and R.*, vol. iii, p. 342.

[5] Shirley to Board, Dec. 23, 1743, *C. O.* 5 884, Ff, 19.

Of much greater magnitude and import for the economic health of the community was the management of the troublesome paper currency of the province, and so far as possible those of neighboring governments circulating there, and most important of all, the creation of a satisfactory substitute for the paper bills which sound policy demanded should be reduced in volume or discarded entirely.

The effort to reform the currency in provincial Massachusetts consists of two phases, first, that before the great military efforts of the province in the war with France which date from 1745, and second, that accompanying and immediately succeeding the reimbursement in 1748 for the expenses of the Louisburg expedition.[1] The period between was one of war, during which reform was hardly thinkable, and not in the slightest degree so unless Parliament should attack the question vigorously and sanely.

Shirley's early handling of the question has been outlined from the political point of view, in connection with the exigencies of administration. The problem, however, was in itself a difficult one, with many ramifications affecting finance, business and the relations between classes in the community. To its solution Shirley brought much insight and ingenuity.

Irredeemable paper money, in the experience of the province (strong inflationist sentiment of the debtor class, forcing large issues), depended for its stability of value upon the rapidity and precision with which it was retired and replaced by other transient issues. In truth the best that could be secured was a moving picture of stability, each individual section of the film representing a different emission of paper. Unless very quickly retired, the unsupported paper infallibly sank in value.

Shirley had realized from the beginning that the prob-

[1] *Cf. infra*, chap. xix, *passim*.

lem required skillful handling, involving as it did not only depreciated Massachusetts bills but similar bills from the surrounding governments, chiefly from Rhode Island, and private bills issued by the land bank. The land bank constituted the most indefensible feature of the situation and Shirley as soon as it was feasible took steps to bring it to an end.

At first he made efforts to enforce the act of Parliament for suppressing the land bank [1] and he expressed the belief that the attorney-general would by that means terminate the affair.[2] The legislature, however, seeing a need for further action in dealing with those partners who refused to meet their obligations, passed a bill in 1743 for creating commissioners who were to have, inside the limits prescribed by the act, practically dictatorial powers for completing the suppression of the land bank, including the unrestricted rights of forcible entry, of assessment upon the partners, and of sale of their property mortgaged to the land bank; but this measure Shirley regarded as too drastic and refused to sign.[3] His prudence in that regard was approved by the board, but they expressed a hope that an equitable bill for the same purpose might be passed that would be free from the objections to the present one.[4] A few months later Shirley sent for their approbation an act which he regarded as free from the defects of the former bill and suitable for the purpose.[5] This provided for the appointment of commissioners, their acts to be subject to approval by the general

[1] *Cf. supra*, p. 106.

[2] Shirley to Board, Sept. 15, 1742, *C. O.* 5 883, Ee, 68.

[3] *A. and R.*, vol. iii, pp. 138-139; Shirley to Board, Nov. 7, 1743, *Sh. Cor.*, vol. i, p. 108.

[4] *Ibid.*; Board to Shirley, July 6, 1743, *C. O.* 5 918, 103.

[5] *A. and R.*, vol. iii, pp. 118-121; Shirley to Board, Nov. 7, 1743, *Sh. Cor.*, vol. i, p. 108.

court and to a review if desired in the superior court. In enforcing assessments upon delinquents, property originally mortgaged to the land bank might be mortgaged but not sold. It was specifically provided that the act of Parliament for suppression of the land bank should remain essentially in effect, although supplementary machinery of a different sort was provided. The act was, in Shirley's words, "manifestly calculated to carry the act of Parliament into execution according to its full intent."[1]

This act was approved by the king as promptly as the normal inertia of the home government would allow,[2] and was the last important act affecting the land bank passed within the period covered by this volume.[3] It was not successful in bringing the bank wholly to a conclusion, but it did reduce the evil to small proportions, so that it was lost sight of in the French war which began in 1744 and among matters of moment which followed.

Shirley brought to the solution of the problem of an unsupported provincial paper currency a good knowledge of the nature of paper money, courage, initiative, and much common sense. He did not say, but evidently believed, that the bad paper currency existent in America was one of the by-products of the short-sighted British colonial system. Under this system the development of colonial resources was hampered, the commercial and military interests of the colonies were often disregarded in the foreign policy

[1] *Ibid.*, pp. 108-111; Shirley to Newcastle, Nov. 14, 1743, *C. O.* 5 900, 90; *A. and R.*, vol. iii, pp. 118-121.

[2] Board to Shirley, Aug. 9, 1744, *C. O.* 5 918, 129; Order in Council, May 9, 1744, *A. and R.*, vol. iii, p. 140.

[3] For explanatory acts for improving and expanding this statute, *cf. A. and R.*, vol. iii, pp. 135-136, 172-175, 442-444, 551-554, 802-803. An act to remove difficulties caused by the destruction of records, *etc.*, is in *ibid.*, p. 442. An account of these occurrences is in Davis, "Legislation and Litigation concerning the Land Bank of 1740," *loc. cit.*, pp. 93-103.

of the empire, and the prosperity of the colonies was so reduced that ordinarily they must constantly deny themselves a sound currency that they might employ the fugitive stores of coin which came to them to pay for the English goods which under that system they were forced to buy.[1] Shirley made it clear that he knew the effect of the colonial system upon colonial currency by observing to the board of trade that the evils of that currency system probably could not be eradicated so long as the primary cause, the existing balance of trade between Massachusetts and Great Britain, was not altered. Since that balance of trade probably would not be altered until British restrictions upon colonial economic development were considerably relaxed, this keen comment upon the effects of the British policy of exploiting the colonies by reserving for English merchants and manufacturers a lion-like share of the profits of colonial industry and trade, raised for discussion, by implication, the question whether the whole "colonial system" was not upon a false foundation.

However, Shirley probably did not expect the lion to forego his share, and seemingly pointed out the source of the difficulty merely to prevent the board of trade from taxing him later on with a failure to make unsupported paper a satisfactory currency. He recognized, then, at the outset that a cure being beyond expectation, amelioration of the pathological condition was the logical aim.

The patient was, indeed, in a bad way. His malady prevented him from meeting many of his obligations to British merchants, and in the management of his own financial matters he apparently suffered from serious aberrations. Shir-

[1] Later he pointed out that New England had lost her silver currency and acquired a heavy burden of debt chiefly through the decay of her fishery which had been in large measure absorbed by the French after the treaty of Utrecht in 1713. Shirley to Board, July 10, 1745, *Sh. Cor.*, vol. i, p. 243.

ley, however, by dint of very intimate observation of the progress of the malady for the preceding decade, was possessed of a careful and convincing diagnosis from the start.

He observed that the evils inseparable from the system were aggravated by a number of harmful practices. These were: emitting unduly large issues of bills at one time; allowing the bills to remain in circulation too long before calling them in to be destroyed;[1] issuing them as loans to serve as a medium for trade;[2] postponing drawing in the bills beyond the time set in the acts emitting them; and neglect on the part of the governor to see that the treasurer issued executions according to law against constables or other collectors in the towns to compel bringing in the taxes levied.

Shirley reported in considerable detail to the home government the recent currency history of Massachusetts, beginning with the first issue of bills of credit under the provincial charter in 1702. The essential facts as he presented them follow. The provincial bills of credit, he said, had sunk in the thirty years preceding his accession from forty percent to four hundred and forty percent below sterling money.[3] The

[1] Bills of credit were first issued to meet public charges, and utilized the public credit for that purpose. The public under such a system was under obligation to meet the debts which had been deferred instead of paid. The citizens then completed the cycle and met their public obligations individually by returning the bills of credit to the treasury in the form of taxes. The object of their emission had then been attained and they were presumably destroyed.

[2] Difficulty came when such bills, intended for a temporary public purpose, were appropriated for private business transactions and then issued with their function as a medium of exchange chiefly in view and in disregard of public interests and needs. The unfitness of such currency for private business purposes was soon apparent as many abuses grew up.

[3] This statement apparently must be interpreted as presenting a com-

depreciation of the bills became a problem in 1712, and the assembly by a law passed in that year attempted to buoy them up. By this law they were made a legal tender for debt at their face value except in the case of specialties or express contracts in writing.[1] The natural result under the circumstances was the reducing of the value of the debt rather than the increasing of the value of the bills, and a carnival of sharp practice resulted at the expense of the ignorant and unwary. Prominent among the losers, Shirley said, were English merchants and provincial widows and orphans. New issues of bills and depreciation were accelerated, and creditors were compelled to accept bills emitted after the debt was contracted, and which being depreciated even when issued, had fallen far below the value at which similar bills had passed when the debt was incurred.

The provisions of the act referred to above were reenacted in 1715, 1723 and 1731,[2] and in the last of these years £1 sterling was equivalent to £2½ in bills of credit. Issues of bills of the same tenor in 1732, 1733, 1734 and 1735 were accompanied by extremely rapid depreciation,[3] but the

putation of the percentage of advance of sterling money over the Massachusetts bills of credit, at the respective dates given. With such a meaning it would be in harmony with the known rate of exchange in 1711, thirty years before Shirley's accession (Davis, *Currency and Banking*, pt. i, *loc. cit.*, pp. 96-97), and it would approximately agree with a computation from another source of the rate of exchange for the year 1741. *Ibid.*, pp. 369-370.

[1] *A. and R.*, vol. i, pp. 700-701.

[2] *Ibid.*, vol. ii, pp. 24, 267, 589-590.

[3] This was probably due in part to the action of the government in reissuing bills of credit already received for public dues. Such reissues occurred in 1728, 1730, 1731 and 1732, and in 1728 the reissue, following the method earlier employed for new bills, took the form of a loan to be handled through the towns; in this case to bring to the province four per cent interest on the bills and to the towns a return of two per cent. *Ibid.*, vol. ii, pp. 189-193, 470-471, 557, 593, 614, 625.

least valuable were legally as good a tender for debt as were those of the same tenor in 1732.[1]

Moreover, debtors, having seen their debts in effect reduced by more than three-fifths in three years, not only wished to have the depreciation continue but used every means to defer payment to allow their debts to dwindle still further, which would evidently occur if further similar issues of paper were made a legal tender.

The assembly, however, now becoming convinced that something was amiss with the currency, issued in 1737 bills of a "new tenor," but under conditions which depreciated them about one-third of their supposed value at the time of their emission.[2]

[1] The following table based upon statements by Shirley indicates the rapid depreciation in those years.

| *Percentages of the real value of similar bills in 1732 borne at time of emission by bills of the issues of* | | *Percentages of depreciation at time of issue from the value of bills of 1732, in case of the emissions of* | |
|---|---|---|---|
| 1733 | 83.33% | 1733 | 16.67% |
| 1734 | 47.62% | 1734 | 52.38% |
| 1735 | 38.46% | 1735 | 61.54% |

[2] The table below shows that the assembly apparently drafted the law not with the purpose of maintaining the value of the new bills but of raising the value of the old ones.

VALUES ASSIGNED BY LAW OF 1737 TO NEW AND OLD TENOR BILLS IN SILVER

| *New Tenor* | | *Old Tenor* | | *Silver* |
|---|---|---|---|---|
| 6/8 | equals | 20s | equals | 1 oz. |

ACTUAL VALUE OF BILLS IN SILVER IN 1737

| *New Tenor* | | *Old Tenor* | | *Silver* |
|---|---|---|---|---|
| 9s | equals | 27s | equals | 1 oz. |

Twenty shillings in old-tenor bills would not pass above their actual value, which was about three-fourths of the value (one ounce of silver) assigned to them by this law, and the six shillings and eight pence new tenor, which were made equal in value to twenty shillings old tenor, would pass for no more in silver than the quantity of old-tenor bills for which they could be exchanged. Hence six shillings and eight

The same blunder in later acts for emitting new-tenor bills in 1737 and 1738, helped similarly to depreciate them. The assembly made a slight and ineffectual effort to maintain their value by providing that a fund of silver and gold should be established in the treasury for the redemption of the new-tenor bills of the issues of 1737 and 1738 outstanding after December 31, 1742, at the rate of 6/8 per ounce of silver, to be secured from duties of impost, tonnage, *etc.*, to be collected in those metals from May 31, 1737, to May 31, 1742. However, the merchants, preferring to pay duties in depreciated paper, persuaded the assembly to enact that from December, 1740, payment of such duties need not be in silver and gold, but that the bills of credit received instead should be exchanged for silver and gold to be held in the treasury for the same purpose.[1] The merchants argued that when ships brought silver from countries where it was abundant it tended to raise the price of silver in the province and thereby depreciated the value of the bills of credit. After observing the operation of such alleged economic laws as this sponsored by the merchants, it is not to be wondered at that the country party in the province, however innocent of knowledge of the laws of business, should have been highly suspicious of Greeks bearing gifts.[2]

Further, the province, in an act of July, 1740, exhibited surprising versatility in experimenting with issues of paper.

pence in new-tenor bills were worth only about three-fourths of an ounce of silver, which represented a much more violent depreciation than would probably otherwise have occurred. For the law under which these bills were emitted, *cf. ibid.*, vol. ii, pp. 814-827.

[1] *Ibid.*, vol. ii, p. 1050.

[2] The result of the new provision was that the treasurer, finding that to buy silver or gold as directed would keep the bills of credit in circulation beyond the period set, would involve an immediate loss to the province of about thirty-three and one-third per cent, and would raise the price of silver still higher, failed to carry it out.

Having discovered that new-tenor bills depreciated as well as old, it was decided to return to the old.[1] However, perhaps feeling doubtful if the value of the issue of £80,000 in old-tenor bills would justify making new plates and signing the bills, it was ultimately ordered that instead of new bills the treasury should reissue such of the bills of both the old and new tenors received in as were not worn or defaced.[2] Thereupon about £17,000 in bills of the (first)[3] new tenor which had been paid in as taxes were reissued without any earmark by which they might be known from the other bills of the new (or middle) tenor emissions of 1737, 1738 and 1739. It thus came about that these £17,000 issued in place of about £50,000 of old-tenor bills, and according to the terms of the act for emitting them not subject to redemption in silver or gold after December, 1742, were indistinguishable from the bills of the emissions of the years 1737, 1738 and 1739[4] which the holders had a right to present to the treasury for redemption in specie. Since these bills were issued by the law of 1740 at the ratio of £3 old tenor to £1 new tenor they were at once depreciated about thirty-three and one-third percent below their face value,[5] but since they were apparently legally exchangeable for specie at face value, they were promptly hoarded to be

[1] *Ibid.*, vol. ii, p. 1013.

[2] This was following precedent in the case of the old-tenor bills (*cf. supra*, p. 164), and the employment of the device may have been a following of the line of least resistance. It may, however, have been brought about in some degree by the desire to make funds available quickly for use in promoting the expedition against the Spanish West Indies, which was then being organized.

[3] A second new-tenor emission in 1742 caused the former new-tenor bills to be referred to as first new tenor or middle tenor.

[4] The emission of 1739 was of bills previously appropriated but subsequently held in the treasury by order of the general court. *A. and R.*, vol. ii, p. 973.

[5] *Cf. supra*, pp. 165-166.

presented for redemption. The assembly had unwittingly found a way of maintaining the future value of the bills in this instance, but had also driven them out of circulation.

Finally, the assembly artistically completed their handiwork by failing to pass a tax act for drawing in the £80,000 old tenor in place of part of which £17,000 new tenor was circulating; so that there remained in private hands after December, 1742, upwards of £42,000 in first new-tenor or middle-tenor bills, to redeem which the treasury had only £2,900 in specie.[1]

Of the bills now ready to be presented for redemption £17,000 in new tenor were not equitably entitled to it, but no effort could separate the goats from the sheep. Therefore, in order that justice might be done to the holders, some of whom, doubtless, received the bills in good faith as new-tenor bills, Shirley secured a law providing that they be compensated in bills of credit estimated to be an equivalent for specie, or that the bills be received in public payments at the value of specie,—which was all that could be done. For this purpose the bills were received by the government at a premium of thirty-three and one-third per-cent over the value stated at their emission, which was the value, Shirley observed, at which they ought to have been issued at first in 1737. In confirmation of this view he declared that another new-tenor issue in January, 1742, had been emitted with that stated value,[2] and had depreciated much less than had the first new-tenor issue.

Shirley was justified in a feeling of satisfaction with the outcome, in view of the confused condition of the currency

[1] Shirley estimated that the amount of specie which would have been collected under the act for creating the fund for redemption of the bills as first passed would not have exceeded £4,500, if that act had not been altered. *Cf. supra*, p. 166.

[2] At the ratio of one new-tenor bill to four of the old tenor. *A. and R.*, vol. ii, p. 1077.

and finances of the province. He had secured provision for current expenses, for the extraordinary expenses incident to the war, and for paying government employees who were unpaid at the end of Belcher's term, while at the same time the large arrears of taxes which had accumulated under preceding administrations[1] were being brought in rapidly by executive order, and the assembly had made provision that all the outstanding bills of credit should be called in by taxes by the end of 1746.[2]

As a means of insuring the retirement of the bills of credit at the times set in the emitting acts, he secured from the assembly in every act for the supply of the treasury after he became governor a clause providing that in case the assembly should not apportion the retiring tax among the towns of the province before the time set for retirement in any instance, the treasurer should proceed to apportion it upon the basis of the last tax bill which became law. He also proposed, what events prevented, that the retirement of old issues and the issue of new ones should keep even pace. Such a policy when once he had secured the retirement of each new emission at an early date, would perhaps have reduced the evils of a paper currency to a minimum.

Shirley concluded from the experience of the province that bills of credit were fit only for paying the necessary charges of government, and that large emissions of the bills as a medium of exchange, such as had been made between 1711 and 1728, were the bane of a paper currency. The realization of his plans in Massachusetts, however, as he observed, was contingent upon avoidance of extra charges for a French war.[3]

[1] He gave the figure as £322,407 old tenor.

[2] He also secured provision in the supply act of 1742 for retiring the sum of £105,125, said to be the balance outstanding for which no taxes had been laid. *A. and R.*, vol. ii, pp. 1077-1083.

[3] The discussion of the Massachusetts currency by Shirley outlined

Shirley found some difficulties in carrying out the reforms of the currency that had been actually provided for. He found, for instance, that when the assembly issued bills which were valued by law 7½% higher than their actual value, the more ignorant people, who were usually the poorer, were unable so to calculate their value in business transactions as to protect themselves from being overreached. He therefore concluded that it was impracticable to have a currency adjusted to the standard of an *imaginary* value, such as silver money was to the minds of the people of the province.[1]

Difficulty also appeared in applying the law requiring that debts should be paid by a sum equivalent to the value of the debt when incurred. Violent protests from debtors led Shirley to believe the law could not be enforced without amendment, and he found that there were grievances of the debtors involved, especially as they were being called upon by the provincial judges to pay 7½% more than the real value of their debt.[2] He therefore secured an act removing

above is found in Shirley to Board, June 29, 1743, *C. O.* 5 884, Ff, 9; Shirley to Board, Dec. 23, 1743, *C. O.* 5 884, Ff, 19; "State of the outstanding bills of credit of the province of Massachusetts Bay," *etc.*, enclosed in Shirley to Board, Dec. 23, 1743, *supra*, *C. O.* 5 884, Ff, 20. *Cf.* also, *A. and R.*, vols. ii and iii, *passim*; Shirley to Board, Mar. 19, 1742, and enclosure, "Reasons against an immediate total suppression of paper bills of publick credit in New England," *Sh. Cor.*, vol. i, pp. 101-107; Board to Shirley, July 6, 1743, *C. O.* 5 918, 103; *Jour.*, Aug. 8, 1741, pp. 50-51; Dec. 23, 1742, p. 125; Dec. 28, 1742, p. 130; Jan. 15, 1743, p. 154; May 27, 1743, pp. 8-15; June 10, 1743, pp. 45-49.

[1] Shirley to Board, July, 1743, *C. O.* 5 884, Ff, 11.

[2] *Ibid.* There was a "joker" in the law first passed, it providing that a debt, specialties and express contracts excepted, should be paid at its true value in silver (which no debtor would be able to offer) or in default of that at its nominal value in bills of credit plus an allowance for depreciation since the debt was contracted. This latter provision was construed by the courts to require the payment of the debt in money corresponding in *actual* value to the value *stated by law* for the bills of credit in which it had been incurred, although they were overvalued 7½%.

this grievance, but requiring, as the former act purported to do, that the actual value of a debt be paid.[1] In recommending action by the legislature he observed that "the intent of the parties in all contracts is the principal governing rule of equity." He added that in the case of debts incurred before the law was passed the creditor counted upon depreciation and took the risk of it when he loaned money. He continued that, although creditors had steadily lost under their contracts, it was doubtful if that "makes it just to set 'em aside."[2] Clearly Shirley gave the impression that the judges had made an arbitrary ruling not in accord with the spirit of the law nor with the rules of equity. The governor would do justice to the creditor but he would not therefore gouge the debtor. He reported in March of the next year that debtors had begun to feel very seriously the mischief of the depreciating of the bills of credit, since they had been compelled to make an allowance to creditors for depreciation.[3] In this matter, then, Shirley may fairly be said to have greatly bettered a condition which was seriously weakening the province.

However, Shirley found himself still embarrassed by extremists on both sides of the paper money question. He joined with those who saw that the evils of the situation were beyond local control because of the extensive circulation of bills of credit from outside Massachusetts, especially from Rhode Island.[4] He had, indeed, attempted to get a

[1] *A. and R.*, vol. iii, pp. 80-81.

[2] *Jour.*, May 27, 1743, p. 11.

[3] Shirley to Board, Mar. 19, 1744, *C. O.* 5 884, Ff, 24.

[4] In March, 1743, Shirley declared there were more bills of Connecticut and Rhode Island current in Massachusetts (he estimated they included £350,000 in Rhode Island bills out of a total circulation of £420,000 of bills of that government) than of Massachusetts itself, and pointed out that so long as those colonies were not restrained from large emissions, instructions to limit issues in Massachusetts would have

bill through the legislature forbidding the passing in Massachusetts of bills of other colonies, but had difficulty in getting even a hearing for it in the council, while the representatives were with the exception of one vote unanimously against it.[1]

The most that Shirley was able to accomplish in this direction was to secure a little later a vote for a committee of the two houses to cooperate with suggested similar committees representing New Hampshire, Connecticut and Rhode Island in order to propose measures dealing with the general subject of the bills of credit. The Massachusetts committee sought to arrange for a meeting,[2] but elicited no response from the other governments.[3]

Early in 1744, however, after the law compelling the payment of the value of a debt in bills of credit had affected

no effect in reducing the volume of bills of credit in Massachusetts. Shirley to Board, Mar. 19, 1743, *Sh. Cor.*, vol. i, pp. 104, 106.

In February, 1744, Shirley presented to the legislature figures relating to Rhode Island and Connecticut bills circulating in Massachusetts. He estimated that there were then passing in Massachusetts, Connecticut bills to the amount of £50,000 and Rhode Island bills to the amount of £350,000, and that one-half of the future issues of Connecticut bills and five-sixths of the future Rhode Island emissions would be absorbed by Massachusetts. Meanwhile he estimated that Massachusetts had suffered a loss of £25,000 old tenor in nine months through their currency there. He added that since Rhode Island merchants preferred to buy English goods at Boston with bills of credit than to send *real money* to England for them, larger emissions were to be expected in the future. Shirley to Legislature, *Jour.*, Feb. 19, 1744, pp. 140-143.

For a full discussion of the Rhode Island and Connecticut emissions, *cf.* Davis, "Currency and Banking in the Province of the Massachusetts-Bay," *Publications of the American Economic Association*, 3d ser., vol. i, pp. 330-365.

[1] Shirley to Board, Mar. 19, 1743, *Sh. Cor.*, vol. i, p. 105.

[2] Shirley to the governors of New Hampshire, Connecticut and Rhode Island, July, 1743, *Ar.*, vol. liii, fols. 151-151a.

[3] *Jour.*, Feb. 9, 1744, p. 142.

sentiment and the governor had impressed the legislature with the imminence of Parliamentary action, he succeeded in getting a law through the assembly forbidding the last emission of Rhode Island bills and future issues by governments outside Massachusetts from circulating there.[1] He was evidently doubtful of its being enforced, but observed that experience of the just payment of debts "seems to have begot a more general spirit in the people for rejecting the bills of the other governments (of which before they were very fond) than has ever yet been known in the province." He thought, therefore, that the law, though not so strict as it might have been, might have some effect.[2]

An act had been passed in 1739 excluding from Massachusetts bills of other governments emitted after May 31, 1738, and not redeemable in lawful money within ten years of their emission. This was logically a blow at the Rhode Island bills, but was a dead letter until Shirley became governor. He issued a proclamation for carrying it out and further prohibited all officers of his appointment in the government to pass any bill of a neighboring government. The result was that such bills ceased to pass in the public offices of the province and their circulation was somewhat checked in the country districts. They continued to have an unabated currency in Boston, however, through the insistence of some merchants and traders who had special motives for having them used.[3]

In view of expected Parliamentary action Shirley tried

[1] *A. and R.*, vol. iii, pp. 122-124. This act was renewed in 1746 for three years (*ibid.*, pp. 307-310), and by the act retiring the Massachusetts paper money in 1749, such bills were permanently excluded from currency in the province. *Ibid.*, p. 436.

[2] Shirley to Board, Mar. 19, 1744, *C. O.* 5 884, Ff, 24.

[3] *A. and R.*, vol. ii, p. 965; Shirley to Board, Dec. 23, 1743, *C. O.* 5 884, Ff, 19.

to get the assembly, for its own vindication, to represent the facts relating to the New England paper currencies to Parliament; but his effort failed.[1] Likewise a vote of the council, which Shirley doubtless favored, requesting him to make a full representation to the ministers of state of the need for distinguishing between the bills of Massachusetts and of her neighbors, in Parliamentary action, in order that justice be done to her, was disapproved by the house.[2] The legislature doubtless felt confident that Shirley would so represent the matter in any case, and they were always wary of recognizing in any form the jurisdiction of the British government over them. Moreover, Shirley had just told them that coinage was not a charter privilege of the colonies, but was exercised by royal indulgence;[3] and this could hardly have recommended the governor to them as a representative of what they doubtless conceived to be their charter rights in that respect. He in fact urged upon the home government the need for a uniform regulation of paper money in all four New England governments as the only real remedy for the existing evils.[4]

At the same time that he took this position he found it necessary to oppose extremists who wished Parliament not only to regulate paper money in New England, but to suppress it entirely at the end of seven years. In opposition to such a scheme he had already in 1743 pointed out that the bills were at the time the sole available currency for both public and private purposes, and that for a time suppression would entail an almost complete impotence of the government. It would bring also, he declared, such a disturbance

[1] Shirley to Legislature, *Jour.*, Feb. 9, 1744, pp. 142-143; Shirley to House, *Jour.*, Mar. 1, 1744, p. 180; Mar. 10, 1744, p. 194.

[2] *Ibid.*,

[illegible] p. 142.

[illegible] Mar. 10, 1744, *C. O.* 5 884, Ff, 24.

of business that English trade would suffer severely, and might be almost destroyed through the growth of local manufactures to supply articles the colonists would be unable to buy in England for lack of money. It would further cripple Massachusetts trade in all branches, retard the settlement of the province and injure the whale and cod fisheries.[1]

In March of 1744 he was more specific in suggestion, advising the board of trade that the New England governments combined should be limited to a maximum circulation of £60,000 sterling value in bills; that the bills be emitted only for necessary charges of the government, be accompanied by funds of taxes equal to the sums emitted and be retired in the same or the following year; that they be received at the respective treasuries in payment of taxes only, at 5% advance; and that they either have their value secured to the creditor against depreciation between the time of contracting and paying debts, or cease to be a tender in private payments. If these conditions should be met and the prompt drawing in of the bills secured, he thought no great inconvenience would arise. If entire suppression of the bills were contemplated, it should be reached only after further experiment with them for two or three years with these limitations, rather than suddenly at the end of seven years.[2]

On the coinage Shirley offered a very interesting suggestion. This was that the policy of Holland might offer a solution for the New England problem. In coining schellings and guelders the Dutch used such an alloy that the silver could not be separated without an expense of 5%, thus making it commercially unprofitable to turn the coins into merchandise to be used where the coins as such would not

[1] "Reasons against an immediate total suppression of paper bills of publick credit in New England," *Sh. Cor.*, vol. i, pp. 106-107.

[2] Shirley to Board, Mar. 19, 1734, *C. O.* 5 884, Ff, 24.

circulate. Such coins in New England would, he thought, be safeguarded against being exported to Europe, and if receivable in the province at the treasury in payment of annual taxes at their value or more, would be sufficiently safeguarded against depreciation. If this were thought practicable, he suggested that £100,000 sterling in that form would, in connection with proportionate sums for the other New England governments, make it possible to suppress the bills of credit without bad results for either British trade or colonial development. New England, he pointed out, would be much worse crippled without a medium of exchange than Virginia, Maryland and the Sugar Islands, inasmuch as she unlike them had no staple to serve as a substitute for it. Such a deliverance from paper currency, he concluded, would be much for his majesty's service, and the most beneficial change which could happen to the country and the British trade thither.[1]

This, however, like most suggestions involving large initiative on the part of the home government, aroused no enthusiasm at home. In the following August the board of trade, after approving his prudent handling of the paper-money question (as well as other matters) and suggesting the continuation of it, placed in a sentence at the end of their letter the following weighty judgment: "As to the proposition in your letter of March 19, for making a new sort of coin to sink the paper currency, we are afraid it will be liable to many difficulties."[2]

On June 20, 1744, he wrote to Lord Harrington, president of the privy council, emphasizing the need for a general Parliamentary regulation of bills of credit for all New England as a measure which would promote the reintroduction

[1] *Ibid.*

[2] Board to Shirley, Aug. 9, 1744, *C. O.* 5 918, 129.

of a silver currency. Without such regulation, he thought a silver currency impracticable in New England.[1]

There the matter for the present slept, but it is worthy of note that as early as the spring of 1744 Shirley had visualized a silver currency for Massachusetts (indeed for all New England) and urged it upon the home government. It then seemed visionary, yet in a brief season it was to be realized.

As Parliament made no headway, meanwhile, in handling the currency question, paper money remained with its attendant evils during the war with France. The indisputable statement has been made that under the existing circumstances Massachusetts without a paper currency could not have assailed Louisburg almost alone, nor have met the other large expenditures of that war. It seems equally true that but for the astute and surprisingly successful steps of Shirley in ameliorating a very discouraging situation Massachusetts would have been bound by paper bonds so large and so intricately tangled that even an effective defense might have resulted in financial exhaustion.[2]

Shirley had found no panacea, but he had perhaps done better, by educating the people of the province to understand the nature of paper money. Further, his progress in reducing the large quantities of paper left outstanding by Belcher and in preventing large accumulations for the future, whereby the evil of depreciation would have been perpetuated, had been striking, especially in view of large extraordinary outlays which had to be provided for in addition to the regular provincial expenses. This appears from the appended statement of the condition of the Massachusetts paper currency before and after his accession.[3]

[1] Shirley to Harrington, June 20, 1744, *C. O.* 5 884, Ff, 28.

[2] *Cf. infra*, pp. 178-180, 192-193.

[3] A statement of the condition of the Massachusetts paper currency

for Belcher's administration and Shirley's to December, 1743, tabulated from reports by Governor Shirley to the board of trade.

| | | *Old Tenor* |
|---|---|---|
| Outstanding at Belcher's accession (1730) beyond the periods stated in the acts of emission due to failure to issue executions against constables, collectors, etc. | | £157,706 |
| Increase (computed by Shirley) during Belcher's administration (1730-1741) from above cause | | 164,701 |
| Sum total of arrears in outstanding bills at Shirley's accession due to failure to issue executions | | 322,407 |
| Bills in arrears at his accession drawn in and burned during Shirley's administration to August, 1743 | £109,798 | |
| Bills in arrears at his accession drawn in and burned between issue of general writs of execution in Aug., 1743 and Dec., 1743 | 36,000 | |
| Total of such bills drawn in and burned under Shirley to Dec., 1743 | 145,798 | 145,798 |
| Such bills outstanding Dec., 1743, but expected in by May, 1744 | | 176,609 |
| | *Middle Tenor* | *Old Tenor* |
| Outstanding, Aug., 1741, for drawing which into the treasury no funds existed, due to failure to levy taxes in 1739 and 1741 | £17,000 | £25,525<br>30,000<br>51,000 |
| Total | | 106,525 |

(This total is slightly larger than the figures given by *A. and R.*, vol. ii, p. 1082 and Davis, "Currency and Banking in the Province of Massachusetts Bay," [in the Publications of the American Economic Association, 3d ser., vol. i, no. 4, p. 155] respectively.)

| [1] Provision in supply bill of Jan., 1742 to cover above arrears of taxes: | *Old Tenor* |
|---|---|
| For tax to be apportioned in 1742 | £20,000 |
| " " " " " " 1743 | 50,000 |
| Balance to be covered in 1742 and 1743 by duties of excise, impost, etc., and taxes on towns for pay of representatives | 36,525 |
| Total | 106,525 106,525 |

| Sums required under Shirley for extraordinary expenses of government: | *Old Tenor* |
|---|---|
| For expenditures for new works at Castle William and repairing old works there and elsewhere, purchasing military stores and paying five hundred pounds due the king ..... | £50,000 |
| For maintaining the province ship ..... | 30,000 |
| For deficiency of fund raised under Belcher for redeeming middle-tenor bills in silver and gold in Dec., 1742, £8,000 in (second) new tenor ..... | 32,000 |
| For computed arrears of public debts at Shirley's accession not covered by money in treasury nor provision by act of assembly to meet them ..... | 32,000 |
| Total ..... | 144,000 |
| Available towards paying above: | |
| Balance of fund for encouraging West Indian expedition still in treasury ..... | 4,800 |
| Sum required for extraordinary expenses before Dec., 1743, for which provision had to be made by new issues ..... | 139,200 |

Emissions of paper money under Shirley before Dec., 1743:

| | (*Second*) *New Tenor* | *Old Tenor Value* | *Computed Sterling Value* |
|---|---|---|---|
| January, 1742 ..... | * £30,000 | £120,000 | £20,000 |
| July, 1742 ..... | 15,000 | 60,000 | 10,000 |
| January, 1743 ..... | 20,000 | 80,000 | 13,400 |
| November, 1743 ..... | 20,000 | 80,000 | 13,400 |
| Totals ..... | 85,000 | 240,000 | 56,800 |

The dates of the emissions above are taken from the *A. and R.* Those given by Shirley were for the sessions, not the acts.

Above emissions to be drawn in before end of 1746 by taxes so levied as to keep the amount issued under Shirley outstanding below £30,000 sterling at all times during the intervening years.

The figures given by Shirley for the emissions of bills of credit for the years indicated vary somewhat from those contained in the table appended to Davis, "Currency and Banking," *loc. cit.*, p. 443.

* For convenience the value of the issue of January, 1742, is given in (second) new tenor although the issue was in middle tenor.

Sums specified for retirement in acts for drawing in bills of credit issued under Shirley, passed or projected before December, 1743:

| | *Second New Tenor* | *Computed Sterling Value* |
|---|---|---|
| Retired in 1742 | £21,638:0:3¼ | |
| Voted in 1743 and largely in by Dec., 1743 | 23,738:4:9¾ | |
| Total | 45,376:5:1 | |
| Proposed taxes for 1744 and 1745 equal to those for 1742 and 1743. | | |
| Total issues of paper money under Shirley to Dec., 1743 | 85,000 | |
| Total retired and voted to be retired in 1742 and 1743 | 45,376:5:1 | |
| Balance of issues under Shirley outstanding after tax of 1743 was in | 39,623:14:11 | £26,414:9:1⅓ |

Progress in retirement of bills estimated by Shirley:

| | *Second New Tenor* | *Old Tenor* |
|---|---|---|
| Of those left out by Belcher: | | |
| by May, 1744 | | £400,000 |
| by December, 1744, an additional | | 50,000 |
| by December, 1744, also the sum emitted in December, 1742 to make good the deficiency of Belcher's fund | £8,000 | 32,000 |
| Total | | 482,000 |
| By end of 1746 all other emissions under Shirley to December, 1743 | | 240,000 |
| Total | | 722,000 |

The data upon which this statement is based is drawn from Shirley to Board, Dec. 23, 1743, *C. O.* 5 884, *Ff*, 19, and a "State of the outstanding bills of credit of the province of Massachusetts Bay extracted from the accounts of the several treasurers for the time being from the year, 1702, to the year, 1743," *C. O.* 5 884, Ff, 20.

## CHAPTER IX

### Meeting the Outbreak of War

The approach of the war with France had been so clearly discerned that obvious precautions had been taken before its actual arrival. Many of the steps taken for the protection of the frontiers and the coast, to cultivate good relations with the Indians, and to secure liberty to raise necessary funds have already been recounted.[1]

Other measures adopted before the actual break looked to the training of new Indian interpreters to replace two deceased and others become aged,[2] and to substituting for pensions to Indian chiefs (which had not bound the tribes living within the province to the government), gifts of powder, shot and provisions to the tribes.[3] Shirley also asked for a grant of authority from the legislature to act for the defense of the province in case war began during a recess of the general court. In reply the representatives freely granted authority (which he already had through his commission and instructions) to take necessary military steps to protect the inland frontier and coast with the assurance that he might "safely depend" that all charges incurred for such purposes by the advice of the council would be provided for in the next supply. The assembly added, however: "Should there be a power invested in any other than the general court to infer upon the province a large expense, it might be a precedent dangerous to us, altho' we

[1] *Cf. supra*, pp. 114-131.

[2] *A. and R.*, vol. xiii, p. 253; *Jour.*, June 3, 1743, p. 29.

[3] *Ibid.*, Nov. 24, 1742, pp. 93-94; *Ct. Recs.*, vol. xvii (3), p. 602.

do not imagine any immediate damage would accrue to the province by such a proceeding at this time."[1] After the existence of war was known, Shirley renewed his effort to make the lower house provide for prompt action in a military emergency arising in recess of the assembly, but without effect.[2]

Meanwhile Shirley held the legislature in session by four adjournments from March 22d to April 28th, before dissolution, apparently expecting notice of the outbreak of war. On May 5th he received unofficial news of the rupture which he had anticipated. He at once sent a notice of the fact to the frontier Indian tribes in alliance with Massachusetts (Penobscots, Norridgewalks, Pigwackets, *etc.*), insisted upon their obligation to side with the English and assured them of protection and friendship if faithful.[3]

There was an early demonstration of the need for the prompt exercise of discretion by some one in defending British interests in America when the French attacked the village of New England fishermen at Canso. This episode directly affected Nova Scotia instead of Massachusetts but was indirectly a blow to the latter and to a less extent to all New England. The primary responsibility for what happened lay with the British government, for failing properly to defend her outlying possessions and for further negligently permitting delay in notifying her colonies in America of the outbreak of war. This delay gave M. Duquesnel, the commander at Louisburg, ample time to prepare and despatch an expedition against Canso,[4] before any effectual

[1] *Jour.*, Apr. 27, 1744, p. 221.

[2] *Ibid.*, May 31, 1744, p. 9.

[3] *Ibid.*, p. 7 and Mar. 22 to Apr. 28, *passim*; Shirley to Newcastle, May 3, 1744, *C. O.* 5 884, Ff, 28.

[4] This expedition against Canso was being prepared on May 6th, a day after the news of war reached Louisburg. Shirley to Newcastle, July 7, 1744, *Sh. Cor.*, vol. i, p. 133.

steps (if such were possible) could be taken in New England to save it.

Canso was located on a barren island off the eastern coast of Nova Scotia, about eighteen leagues from Louisburg. It had neither fort nor artillery, and since, as reported, the barracks for the men and officers and the other houses were all of unsubstantial deal, it was incapable of defense. The inhabitants were few, and the fishing industry of which it had been a center had dwindled in consequence of the Spanish war. There were four companies in the garrison, who, it was estimated, might equal eighty men. Their only security from capture and imprisonment was the chance that the French at Louisburg might not have a sufficient stock of provisions to support them. Under these circumstances, Kilby, the Massachusetts agent in England, suggested that as the garrison was useless at Canso it should be at once sent to Annapolis Royal. This place was held by five companies, not over one hundred effective men, and greatly needed the reinforcement, even to hold their ground against the French inhabitants of the region, who were likely to starve the English troops unless they succeeded in getting some of the chief Frenchmen as hostages. As there were nearly 10,000 of these French inhabitants, and they could be reinforced from Canada and Cape Breton, and as communication with those districts was easy, it would likewise be easy for the French to hold Annapolis Royal if taken. The motive for taking it was strong because Nova Scotia, which it partly dominated, was the only certain source of provisions in America for the garrison at Louisburg.[1]

The suggestion that the Canso garrison be transferred

[1] For a contemporary sketch of Canso, Annapolis Royal and the conditions then existing in Nova Scotia, *cf.* "An account of Nova Scotia" annexed to Kilby to Board, Apr. 3, 1744, *C. O.* 5 884, Ff, 22.

to Annapolis Royal was made after the declaration of war, and there was no time to carry it out before an expedition from Louisburg under Captain Duvivier pounced upon the helpless denizens of Canso on May 24, 1744, accepted the inevitable surrender of Captain Heron, his men and the inhabitants, and after burning the buildings carried their prisoners including the families of the garrison, in all seventy or more persons, to Louisburg.[1] Thus France scored the first and a bloodless victory in America.

In the garrison thus put *hors de combat* were fourteen soldiers reported incurably lame, and five veterans who were both too crippled and too old to fight. This nondescript force was generously permitted to sign terms of capitulation under which they were to be imprisoned at Louisburg for a year, after which they might return to New England or Annapolis Royal.[2] The same terms were extended to Lieutenant Ryal, in command of a British sloop, the *Mary*, and his men, who had been captured by the French expedition with the garrison at Canso, while serving upon the post assigned them the preceding summer between Canso and Cape Breton to prevent trade between Nova Scotia and the latter place.[3]

[1] The expedition consisted of two vessels. One of these a sloop carrying ninety-four men, eight carriage guns, swivels, *etc.*, was captured about a month later by the Massachusetts guard ship in Massachusetts Bay. Shirley to Newcastle, July 7, 1744, *Sh. Cor.*, vol. i, p. 133.

[2] For the condition and capture of Canso, *cf.* Terms of surrender to Duvivier, May 24, 1744, *C. O.* 5 900, 96; Heron, *etc.*, to Shirley, June 10, 1744, *C. O.* 5 900, 104; Shirley to Newcastle, July 7, 1744, *Sh. Cor.*, vol. i, p. 132; Shirley to Duquesnel, July 26, 1744, *C. O.* 5 900, 99.

[3] Terms of surrender to Duvivier, May 24, 1744, *C. O.* 5 900, 96; Shirley to Newcastle, Sept. 22, 1744, *Sh. Cor.*, vol. i, p. 148; Shirley to Admiralty, Sept. 22, 1744, *Ad.* I, 3817; Shirley to Wentworth, Nov. 10, 1744, *Sh. Cor.*, vol. i, pp. 151-152.

A week later and still before the arrival in America of official notification of the existence of war, Shirley met the Massachusetts legislature. The one engrossing topic of his speech to the legislature was defense. To their minds it meant the defense of New England, to his the defense of the empire as well, and no sophistry was needed to make his arguments equally telling for both. However, the group of measures which he urged upon them applied directly to the defense of Massachusetts: the prompt defense of the frontiers that the settlers might be encouraged to stay in their settlements as a barrier for the rest of the province; defense specifically against the Indians near the frontiers as well as the French, including Indians supposed to be in alliance with the English as well as those clearly hostile; further appropriations to complete the works of Castle William and of other fortifications well advanced but not completed; the increase of garrisons to an adequate size; the provision of pay for officers and men sufficient to secure efficient defenders; the fortification of Governor's Island in Boston harbor to supplement and make effective the defenses of Castle William.[1]

On the same day Shirley was urging measures for the security of a portion of the frontier through the home government. On that date he wrote to Newcastle (and later to the board of trade and Lord President Harrington) regarding Fort Dummer, the chief defense of New England toward the new French stronghold of Crown Point,

[1] *Jour.*, May 31, 1744, pp. 7-10. Shirley had soundings made "of the channel and water about the islands adjacent to . . . Castle William" and found "that it is necessary for the province to be at the expense of raising new batteries on an island over against the Castle to prevent the enemy's not only forming a camp there but also bombarding the garrison from thence where their own men would be at the same time under a cover from the great artillery of the Castle." Shirley to Newcastle, May 31, 1744, *C. O.* 5 884, Ff, 28.

urging not that Massachusetts provide for its defense, but that she be relieved of that burden.[1] Fort Dummer, he pointed out, was only three or four days, march at the farthest from Crown Point, the recently built but already very strong fortress of the French which in turn was only a few leagues by easy water communications from Montreal in the heart of Canada and at the head of sea-going navigation of the St. Lawrence; hence the imperative need for maintaining Fort Dummer for the protection of the whole western frontier of New England was clear. The river towns of Massachusetts would be the obvious points of attack for a French or hostile Indian force which might get access to the Connecticut valley, although smaller settlements in New Hampshire would in such a case be in imminent danger, while, should the western frontier of Massachusetts collapse, northwestern Connecticut would be exposed.

The Fort Dummer episode was an incident in the general and ceaseless attempt of Massachusetts in time of war to

[1] After explaining that Fort Dummer and one or two garrison houses beyond it (the chief one was the fort at Number 4, now Charlestown, New Hampshire), which had been built and garrisoned by Massachusetts, had now by the settlement of the boundary been awarded to New Hampshire, he recounted that at his accession the fort was garrisoned by a Massachusetts officer and twenty men under the direction and receiving the pay of that province, and that in view of the probability of war with France, in order to preserve from burning by the Indians this most important outpost for protecting New England from raids or invasion from Canada by way of the Connecticut valley, he had secured from the assembly the maintenance of the garrison there. He then gave an account of his efforts to have the support of it assumed by New Hampshire, in which he had met delay, first to allow Governor Wentworth an opportunity to press the legislature to make the necessary provision, and then through the neglect of the legislature to do so. The legislature were thus negligent notwithstanding they had established a civil government over the district.

induce the colonies holding the sections of the Connecticut valley on either side of her to assume an equitable share in the defense of all, they tending to rely upon the greater resources and the greater need of Massachusetts to lead her to play the part of protector to the rest of New England. Massachusetts to a large extent played the role expected of her by her weaker neighbors, but often unwillingly, and in this case Shirley pointed out both that New Hampshire should justly maintain forts on her own territory, and that it had been difficult in the past to secure the support of Fort Dummer from the Massachusetts assembly, who would be averse to continuing the large expense. He pledged his urgent support of what the protection of the frontier required, but could not hope the assembly would continue to support a fort within another province. He thought this expense would prove an obstacle in the way of needed action of the assembly for the defense of the English fortress at Annapolis Royal in Nova Scotia. which he would also try to secure in addition to the defense of the long land and sea frontiers of the province.

In writing to the board of trade in June he asked their directions regarding Ford Dummer.[1] The response was unwontedly prompt action. On August 28th, the board of trade (they having meanwhile been consulted upon Shirley's letters to Newcastle and Harrington on the subject) reported that New Hampshire should assume the support of Fort Dummer, and that the governor of that province be directed to warn the assembly that upon failing to comply, the crown would be forced to restore the fort to Massachusetts with "a proper district contiguous thereto," and that meanwhile Shirley be instructed to maintain it

[1] For Shirley's discussion of this question, *cf.* Shirley to Newcastle, May 31, 1744, *C. O.* 5 884, Ff, 28; Shirley to Board, June 16, 1744, *C. O.* 5 884, Ff, 27; Shirley to Harrington, June 20, 1744, *C. O.* 5 884, Ff, 2[illegible].

until New Hampshire acted.[1] This was approved by an order in council of September 6, 1744.[2]

Shirley also urged upon the legislature at the end of May measures less directly related to the defense of Massachusetts. One of these, a law forbidding correspondence or trade with the enemies of England, was antagonistic to the more immediate interests of that portion of the merchants concerned in illegal trade. Three days earlier (May 28th) Shirley had issued a proclamation with the advice of the council explaining the dangers incident to supplying the enemy with provisions or ammunition, and "strictly forbidding all persons whatsoever within this province" from taking any part in trade directly or indirectly with the French colonies or territories, and directing all royal officials whose duty it was to supervise trade to enforce the prohibition so far as possible.[3] An act for the same purpose was passed in June, 1744.[4] Shirley suggested that Parliament pass an act of the same character applying to all the plantations, since that would be necessary unless all the colonies acted, to prevent the French from securing supplies from their chief storehouse for the support of their American settlements, the English colonies.[5] Finally he recommended as a measure of vital interest to Massachusetts as well as the mother country, the provision of forces immediately needed for the defense of Annapolis Royal, to hold it against the French until reinforcements could be sent from England.

[1] Board to Privy Council, Aug. 28, 1744, *C. O.* 5 918, 133.

[2] *C. O.* 5 885, 111, Ff, 74. A copy in *Ar.*, vol. lxxii, fols. 698-699.

[3] *Ar.*, vol. lxxii, fols. 686-687; Shirley to Newcastle, June 2, 1744, *Sh. Cor.*, vol. i, p. 126; Shirley to Board, June 16, 1744, *C. O.* 5 884, Ff, 27.

[4] *A. and R.*, vol. iii, pp. 152-153.

[5] Shirley to Board, June 16, 1744, *C. O.* 5 884, Ff, 27.

Upon the arrival of the unofficial report of war Shirley had acted at once for the defense of Annapolis Royal by ordering the commander of the province ship, then at Piscataqua in New Hampshire, to sail instantly to Annapolis Royal, and to put himself there for forty-eight hours under the orders of Lieutenant-Governor Mascarene. The appearance of the Massachusetts province ship was intended primarily to awe the unfriendly French inhabitants into a discreet behavior.[1]

In the defense of Nova Scotia and the neighboring fisheries against French encroachment, which, if successful, would have meant constant peril for all New England shipping, the Massachusetts merchants had a heavy stake.[2] Shirley was urgent in this policy because of the fate of Canso, of which he had just learned, and because of information from Annapolis Royal of the very bad state of affairs there. Lieutenant-Governor Mascarene, of Nova Scotia, on May 21, 1744 (three days before the fall of Canso), sent an appeal to Shirley[3] and on June 8th, following, he formally appealed to the governor and assembly of Massachusetts for aid. However, before this action was taken, Shirley had made a personal appeal to the legislature on that behalf.[4]

The appeal of Mascarene gave a sombre picture of a garrison weak in numbers and weaker in personnel, of ruined

[1] Shirley to Newcastle, May 31, 1744, *C. O.* 5 884, Ff, 28.

[2] For Shirley's recommendations of May 31, 1744, relating to trade with the enemy and the defense of Annapolis Royal, *cf.* extract from his message in *Sh. Cor.*, vol. i, pp. 122-124; *Jour.*, May 31, 1744, pp. 7-10.

[3] *The Correspondence of the Colonial Governors of Rhode Island, 1723-1775*, ed. by G. S. Kimball (Boston, 1902-1903), vol. i, pp. 265-266.

[4] *Sh. Cor.*, vol. i, p. 122, note; Mascarene to Shirley, Dec. 8, 1744, *T* 1 321; Representation of the President of the Council of Nova Scotia to the Governor and Assembly of Massachusetts Bay, June 8, 1744, *C. O.* 5 884, Ff, 44.

fortifications, of the additional weakening of their position through the fall of Canso, and of the imminent danger of attack before aid could arrive from England. This gave much force to the request that Shirley send at once at least two hundred well-armed men, properly officered and victualled, and allow them to remain as a defense until the home government could act for that end.[1]

The assembly, seeing the French menace creeping down the seaboard from Cape Breton toward their own territory, and realizing that the settlements in the eastern part of Massachusetts and Maine would be the next to be exposed should Annapolis Royal fall, voted on June 12, 1744, to raise two volunteer companies of sixty men each, exclusive of officers, for the immediate relief and defense of Annapolis Royal until such time as aided from home. As Shirley, in order to secure the vote for raising the men, had intimated that the crown would pay and subsist them,[2] the assembly voted a bounty of £20 old tenor for enlistment, but stipulated that the men should not be subsisted nor paid by Massachusetts and requested Shirley to use his influence with the commander at Annapolis to secure pay and subsistence for them from the crown until they were returned home.[3] However, after Shirley brought the matter up again the legislature, on June 20th, voted subsistence for three months for the men raised for service in Nova Scotia as well as a bounty of £20.[4] At the same time, having received Mascarene's memorial of June 8th, Shirley appealed to the

[1] *Ibid.*

[2] Shirley to General Court, May 31, 1744, *Sh. Cor.*, vol. i, p. 123.

[3] *A. and R.*, vol. xiii, pp. 367-368; *Jour.*, June 12, 1744, p. 28.

[4] *A. and R.*, vol. xiii, pp. 371, 373; *Jour.*, June 19, 1744, p. 38; June 20, 1744, p. 41; *Ct. Recs.*, vol. xvii (4), pp. 426, 429.

assembly to increase the number of men to be raised to 200, but failed to secure the grant asked.[1]

In response to a request of the legislature in their vote of men for Annapolis, Shirley appealed to the neighboring governments with a view to their assisting in that enterprise,[2] but this failed to bring any aid.[3] However, Shirley issued his own proclamation for men on June 13th.[4] The men were quickly raised and on July 1st, Shirley embarked more than seventy of them for Annapolis Royal under convoy of a province guard ship and reported six days later that others were expected to follow shortly. Meanwhile things looked both worse and better at Annapolis. The French, as Shirley was informed. had raised a party of 500 Indians at Menis, not far from Annapolis, and were preparing to send a detachment of French with a large supply of small arms and two mortars, to join them. On the other hand, the engineer Bastide, whom Shirley had enabled to reach Annapolis safely at the outbreak of war, had been directing the effective labors of nearly 100 men in repairing the old works of the fort. Upon the whole, Shirley thought the crisis was probably past, although he did not propose to relax his efforts.[5] For the time being the place as it proved was safe.

Thus Shirley not only had placed his own house militarily in tolerable order, but also had counteracted the effects of the culpable negligence of the home government in respect to an important post. The principle upon which Shirley acted in succoring Annapolis Royal was very like that ex-

[1] *Jour.*, June 19, 1744, p. 38.

[2] *A. and R.*, vol. xiii, p. 367; *Cor. Col. Govs. of R. I.*, vol. i, pp. 263-264.

[3] *Conn. H. S. Colls.*, vol. xi, p. 180; *Cor. Col. Govs. of R. I.*, vol. i, p. 263.

[4] *Ar.*, vol. lxxii, fols. 690-691.

[5] Shirley to Newcastle, July 7, 1744, *Sh. Cor.*, vol. i, p. 131.

pressed in the maxim that an offensive is the best defense. To be sure Annapolis was on the defensive, but in holding it he was fighting the war largely beyond the borders of Massachusetts, and keeping the coast and frontiers relatively safe through a very small expenditure of men and treasure. Safety, however, could be assured only by well fortified and adequately manned frontiers, and Shirley, while he aided Annapolis, was not less zealous to complete and man the defenses of the province. The need for this was obvious to the assembly as well as to himself. Shirley's splendid poise and vigorous leadership carried the assembly with him in a series of measures for the defense of the province, adopted with the promptness which the conditions demanded. During the first few months of the war, in fact, the legislature showed some signs of panic. The ingrained distrust of and antipathy for the prerogative on the part of the representatives was almost swallowed up in their desire to cooperate in doing the things needful for the safety of all. The keen rivalries between the merchants and the country party in the province also were submerged and attention given without marked discrimination to both sea and land frontiers, whereby a serious breach of unity was avoided. Shirley, on his part, met the house halfway with unassuming dignity and candor, and through the peculiarly gracious and convincing style which usually characterized his public papers, made the necessary seem the inevitable.

The situation was still beset by perplexities. The defenses for the frontiers were not yet complete, and a generous program for completing, equipping and manning them seemed almost if not quite beyond the power of the province. Shirley had been cramped in the matter of issuing bills of credit before the declaration of war and had already used his special liberty to allow an issue of £8,000 for ex-

traordinary war expenses. Meanwhile he had been granted no liberty to consent to larger issues to meet the crisis which he had foreseen but of which the board of trade was oblivious. Even with such liberty, issues would be followed by complications, since there would be rapid depreciation of the bills if the date fixed for drawing them in was distant, and an increase of the already heavy tax burden of the people if the date fixed was near. The latter alternative seemed mandatory under Shirley's instructions. In the case of large issues there was no small danger that depreciation would reduce the bills of credit to practical worthlessness, and without them it seemed that the enemy would at the least force a large contraction of the commerce, fisheries and frontiers of the province, and perhaps conquer her and her neighbors. Either alternative involved huge future burdens for the people.

The legislative action obtained by the governor was better and quicker than could have been expected from the cumbrous parliamentary procedure which it was necessary to employ in both houses upon even the most trifling matter requiring the grant of public money. The representatives, although including able men who conducted contests for popular rights with insight and skill, were unaccustomed to managing a legislative program of any complexity and lacked the mechanism for the task if one were presented. Consequently Shirley's program appears as a mosaic, every constituent part of which received individual and often undivided attention. Only a few points were ever presented to the assembly at one time, and by dint of occasionally repeating proposals after an interval the governor usually secured the essential things asked. The initiative lay almost wholly with him, the house infrequently acting without waiting for suggestions. Since action by the house upon proposals made by way of reference to a

committee was usually prompt, the way was cleared for the presentation of a succession of matters upon a series of days separated by short intervals—sometimes upon consecutive days.

Five days after the official copy of the declaration of war was received the house named a committee to prepare a bill for "the better regulating and carrying on the affairs of the war."[1] Soon the administration of the war activities of the province developed a sort of permanent war council in the guise of a joint committee of the two houses for defense. It was not apparently executive in functions further than in the giving of advice, but considered and reported upon practically all matters great and small relating to the war. It represented the response of the two houses to the invitation of the governor to offer such advice and assistance as were consistent with the nature of military affairs and the constitution of the government.[2]

Shirley at times asked the advice of this committee upon memorials and petitions, while matters relating to the war requiring legislation almost always received a reference to it, usually in response to a message from Shirley. In a legislative sense it may be said to have been a standing conference committee of the two houses upon war legislation in advance of action by them, and served greatly to expedite proceedings. The committee also served in a measure as a bond between Shirley and the representatives and doubtless his tact in working with it and with the house hastened the fruition of many plans.[3] In addition to its membership

[1] *Jour.*, June 7, 1744, p. 22.

[2] *Ibid.*, June 1, 1744, pp. 10-11.

[3] The legislative system thus devised was rapid in action. Measures urged by the governor were often introduced in the house as bills on the day following his recommendation of them, and sometimes on the same day, having usually passed through the committee on defense meanwhile. Except in dealing with the more troublesome questions

on the important committee of defense, the house named special committees for temporary military functions, such as those to accompany the governor in inspecting fortifications, and one for investigating the question of fortifying Governor's Island. Such committee action was usually invited by the governor, but when taken independently interfered with the efficiency of the war machine.[1] Differences between the governor and council were unknown, and for a season bickering between the houses almost equally so. Differences of judgment between them were rapidly ironed out by compromise.

To make room for the unwonted pressure of business due to the war the house, while refusing to defer the consideration of matters of a private nature which had been put upon the calendar for the June session to the following one,[2] reduced the consideration of such matters to a minimum.

Strangely enough Shirley and the house had in a general way exchanged positions since his accession upon the matter of large issues of paper money. At the outset he had employed all his persuasion to check the inflation sentiment in the house, and when he succeeded in securing the acceptance of the principles that the tax in any year should be large enough to prevent the issues of that year from increasing the volume of paper in circulation, and that all paper should be called in within a brief term of years after issue, this was accomplished. Now the governor placed the end

the passage of such a bill through both houses might be expected within three or four days of its introduction. Committees dealing with questions relating to the war sat almost incessantly, including Sunday.

[1] The legislature was not ready to appropriate money for the fortification of Governor's Island until Oct. 24, 1744, when £500 was voted for two small batteries and a blockhouse. *A. and R.*, vol. xiii, pp. 397-398.

[2] *Jour.*, June 5, 1744, p. 17.

sought, the defense of the province, above the evils of paper money, and was obviously ready far to exceed the quantity which his instructions allowed as soon as the home government should permit such action. The house was not blind to the urgent needs of the hour, but saw most clearly the burden which would fall upon their constituents.

It happened, therefore, that the house kept a prudent hand upon the purse strings. It frequently provided for forces and supplies in smaller quantities than asked (forcing Shirley to ask for augmentation) and delayed providing pay and subsistence for men in garrison until forced to do so to keep the works from being abandoned. In some cases, finding it impossible to secure funds from the assembly or the royal servants in America for vital purposes, Shirley cut the Gordian knot by executive action. His early recommendation that 500 barrels of gunpowder be purchased in London [1] having been ignored, and the committee of the general court for purchasing supplies having been unable to secure an adequate store of powder in the province, Shirley ordered the provincial agent to purchase 200 barrels in London and urged that the house maintain the honor of the government by reimbursing the agent.[2] This he found them loath to do.[3] Also when no funds were available in America with which to purchase food and clothing for the garrison at Annapolis Royal, Shirley acted apparently without precedent by drawing bills without authority upon the lords of the treasury; but with the proceeds he kept the garrison efficient.[4]

[1] *Jour.*, June 4, 1744, p. 15.

[2] *Ibid.*, Aug. 10, 1744, p. 65.

[3] *Ibid.*, Aug. 10-17, 1744, pp. 65-73.

[4] *Ibid.*, Jan. 8, 1745, p. 165. The *Journals* of the house of representatives, the *Court Records* and the *Council Records* for the war period, *passim*, are the chief sources for the above picture of the way in which the different branches of the provincial government coalesced for war purposes.

Shirley's policy, aside from the self-defense of Massachusetts and the protection of Nova Scotia, included efforts to secure the cooperation of New England and New York, for the purpose of making their united strength available against the common foe. Together they held a position parallel to the St. Lawrence and the Great Lakes, the great artery of communication for the French in Canada, constituting an elongated base, any section of which might be the scene of a rapid concentration of French and hostile Indians against the adjacent English.

On June 2, 1744, Shirley having finally received official notification of war, asked the legislature to act to secure cooperation with other colonies, especially with New York and others "whose inland borders may be exposed to the assaults of the enemy," and made the further suggestion that Governor Clinton of New York be asked to use his influence with the Indians allied with him (meaning the Iroquois) to maintain peace with Massachusetts.[1] At the same time Shirley within three hours of their arrival sent on despatches to the other colonies to the southward (probably a like notification to them) by expresses overland, and persuaded the assembly to hire an express boat to deliver the packet addressed to Nova Scotia.[2]

The house responded at once to his first request with a vote that despatches be sent to the governments of New York, Rhode Island, Connecticut and New Hampshire asking aid in protecting the frontiers for the time being.[3] This was followed on June 4th by the election of five commissioners to treat with the governor of New York and representatives of the other neighboring governments for their mutual safety and defense or annoying the enemy,

[1] *Jour.*, June 2, 1744, p. 12.

[2] Shirley to Newcastle, June 2, 1744, *Sh. Cor.*, vol. i, p. 126.

[3] *Jour.*, June 2, 1744, p. 14; *Ct. Recs.*, vol. xvii (4), p. 394.

and to make treaties with Indian tribes.[1] These commissioners were "fully authorized to treat with said governments (or commissioners chosen by them respectively) either separately or conjunctively at such times and places as they shall judge best. . . ."[2]

Shirley sent prompt notice of the calling of the conference, which it was suggested should be held at Albany in New York, to the governors interested. New York was the logical meeting place, that colony containing the most exposed highway for invasion between the English colonies and Canada and also the home of the Iroquois, the chief

[1] *Jour.*, June 4, 1744, p. 15; *Ct. Recs.*, vol. xvii (4), pp. 393-394. The commissioners were John Stoddard, the veteran commander on the western frontier, the chief of the "lords of the valley" as the military leaders of the Connecticut valley were called, Jacob Wendell, Thomas Berry, John Choate and Thomas Hutchinson. (*Jour.*, June 4, 1744, p. 16.) Stoddard was a power in the province in time of war, known and respected by the Indians, and a man of great ability, courage and independence of mind. In anticipation of the outbreak of war he had written Shirley about conditions upon the western frontier and suggested a plan for carrying on the war. This Shirley strongly approved and informed him that he should govern himself very much by it. At the same time he assured him that he would take care of Stoddard's own interest, which not improbably means that the governor suggested his heading the commission to confer with the other governments. Upon receiving the English declaration of war the governor wrote him of its receipt without waiting to have copies of it made that he might notify the frontier towns and settlements and make dispositions against surprise and for learning the movements of the enemy accordingly. (Shirley to Stoddard, June 2, 1744, *Sh. Cor.*, vol. i, pp. 127-128.) For an interesting story of the deference shown to this imperious chieftain of the west by Shirley, *cf.* Dwight, *Travels in New England and New York* (New Haven, 1821-1822), vol. i, p. 332.

[2] *Jour.*, June 7, 1744, p. 21. Their commission named Albany or elsewhere in New York as the place and June 12th or as soon after as possible as the time for their conference. Commission to John Stoddard, *etc.*, June 8, 1744, *Sh. Cor.*, vol. i, pp. 129-130; *Conn. H. S. Colls.*, vol. xi, pp. 174-176.

Indian allies of the English, with whom New York was to hold a conference on the coming June 12th.[1]

New York was, of course, pleased with the arrangement, and Connecticut sent commissioners, but the other New England colonies showed no interest.[2]

The conference with the Indians at Albany was fairly successful, resulting not merely in a renewal of pledges of friendship between the Iroquois and Massachusetts,[3] but

[1] *Ibid.*

[2] Rhode Island was covered by her neighbors, and New Hampshire was not pleased at the prospect of taking over Fort Dummer and other frontier posts. For action upon the matter by the New England colonies, *cf.* Law to Shirley, June 19, 1744, *Sh. Cor.*, vol. i, p. 127, note, and *Conn. H. S. Colls.*, vol. xi, pp. 191-192; Willard to Greene, June 5, 1744, and Greene to Shirley, June 8, 1744, *Cor. Col. Govs. of R. I.*, vol. i, pp. 259, 262; *N. H. Pr. Ps.*, Message of House to Governor, July 3, 1744, vol. v, p. 237.

[3] *Cf. Conn. H. S. Colls.*, vol. xi, pp. 185-189, 193-194, 195-197; *Jour.*, June 29, 1744, p. 53; *New York Historical Society Collections*, Publication Fund, vol. ii, pp. 511, 515-522, vol. iii, pp. 129, 131, 135, 137, 138, 140; Wraxall, *An abridgement of the Indian Affairs, contained in four folio volumes, transacted in the colony of New York, from the year 1678 to the year 1751*, ed. by C. H. McIlwain (Cambridge, 1915), Harvard Historical Studies, vol. xxi, p. 235.

Massachusetts had earlier sent commissioners to treat with the Six Nations in times of stress. This occurred in 1694, while Indian raids were taking place within and near her borders. In 1708, during Queen Anne's war, the Iroquois sachems proposed that a "fixt place should be appointed for the brethren of New England, Maryland, and Virginia to meet the Indians as occasion may offer, and that they had pitched upon Albany as the proper place." This, however, was not in accord with the policy of the New York government, and in particular with that of the Indian commissioners at Albany, in keeping negotiations with the Six Nations as exclusively as the exigencies of intercolonial relations would permit in their own hands. As an illustration of this policy the Albany commissioners addressed the Iroquois on behalf of the other governments in 1719.

In 1723 during Lovewell's war the strong interest of the Massachusetts government in the attitude of the Iroquois led them to seek a conference between their commissioners and the sachems of the

also in a visit of two Mohawk chiefs representing the Iroquois confederacy to Massachusetts. These visitors Shirley persuaded to go with gentlemen acting for the province to visit each of the Indian tribes upon its eastern frontiers, and to insist that those tribes preserve a strict neutrality between the French and English during the war, upon pain of having the Mohawks join the English against them. The border Indians appeared terrified by this threat and promised "to lay their commands" upon the Cape Sable and St. John's Indians, who had lately engaged in hostilities in Nova Scotia, to desist from them. Further, on August 10th, new evidence of the awe in which the Indians then held the Massachusetts government appeared with the arrival in Boston of "a chief sagamore and counsellor, from the Cagnawagha Indians near Canada, commonly called the French Mohawks, with a belt of wampum from his tribe for the government of this province, in order to assure the government that the Cagnawagha Indians had made an agreement with the Six Nations to observe an exact neutrality between the French and English, and had declared to the governor of Canada, that they would not take up the hatchet on the side of the French as formerly, and to make a treaty of peace with this government."

The fruits of Shirley's vigorous policy had already appeared in the case of one of the eastern tribes named Pigwackets, who had come to Boston and "put themselves and their wives, and children under his majesty's protection within this government; the men offering themselves to be employed in his majesty's service," something unheard of, Shirley said, since the French had "practiced upon the Indians."

confederacy, and this occurred apparently without other participants. This initiated negotiations of some length at Albany and Boston resulting in neutrality of the Six Nations. For the above incidents, *cf. ibid.*, pp. 25, 27, 62, 125, 145-149, *passim*.

The governor saw in the situation a fair prospect of a general neutrality of the Indians, which would be not only a novelty but a great disappointment to the French who were reputed to have expected all the border tribes, even the Mohawks, to join them. Since the power of the French in Canada against the English settlements always consisted largely in their ability to stir up the Indians against them, he regarded a neutrality as a great point gained. Yet he foresaw that this was likely to be a temporary state, especially in the case of the eastern Indians, who were too weak, and too much under the influence of French missionaries to be likely to remain firm in such a policy.[1] Shirley later reported that some of the Pigwackets had been employed at Annapolis Royal and others in the eastern part of the province and had behaved pretty well.[2]

[1] For Shirley's dealings with the tribes between his frontiers and the French, through the Mohawks and otherwise, *cf.* Shirley to Board, Aug. 10, 1744, *Sh. Cor.*, vol. i, pp. 138-140; *Jour.*, July 18, 1744, p. 57.

[2] *Ibid.*, Nov. 29, 1744, p. 110.

# CHAPTER X

## Measures for Defense—Annapolis

Shirley's teamwork with the legislature made effective measures for the protection of the frontiers possible; his Indian policy reduced their necessary scope. Vigor, however, characterized the early measures taken.

A vote was passed by the assembly on June 2d, to raise 500 men for protection of the frontiers and to increase all the garrisons. The following day Shirley sent orders to the colonels of the militia regiments stationed upon the frontiers to impress or enlist the men thus ordered and to post them, the whole operation requiring less than a week. A few days later these forces were augmented by 500 more men.[1] Shortly afterward it was also voted to erect fortifications between Colrain upon the western frontiers and the Dutch settlements.[2]

Among Shirley's early recommendations to the assembly was that they provide a guard to protect mast trees for the use of the navy, which led to a vote of the house requesting the captain-general to detail men to service for the protection of the mast cutters.[3]

Shirley also gave considerable emphasis to sea power in his plans for the war. The province had been modest in its naval establishment, usually limiting it to a snow, named

[1] *Jour.*, June 2, 1744, p. 14, June 13, 1744, p. 30; *Ct. Recs.*, vol. xvii (4), p. 412; Shirley to Board, Aug. 10, 1744, *Sh. Cor.*, vol. i, p. 138.

[2] *Jour.*, June 14, 1744, p. 32; *Ct. Recs.*, vol. xvii (4), p. 413; *A. and R.*, vol. xiii, p. 368.

[3] *Jour.*, June 8, 1744, p. 24; June 14, 1744, p. 32.

the *Prince of Orange*. This served to guard its fairly extensive coast in the absence of British warships, which were not usually stationed there. Shirley's proposals included measures to induce enlistments in the province snow, to encourage privateering by vessels from Massachusetts and also from other English colonies, and to provide one or more guard ships to protect the fishery.[1] The two houses voted one guard ship, carrying eighty men and six guns, to keep the fishery in operation, advising the governor to impress guns and stores in private hands to equip the sloop *Orphan*, which had already been impressed. This advice he instantly followed. Later the houses made further provision for guarding the coast. They also passed a law to encourage privateering against the French.[2]

Before fall there were in the provincial service a snow, a brigantine and a sloop serving as guard ships. These, with eight or nine privateers fitted out at Boston, had taken by September 22d more than forty French vessels, besides greatly disturbing the French fishery. The fishery was attacked in part by breaking up some of their small settlements and "burning their works and houses as the enemy did at Canso, which kind of hostility there I perceive they now think wrong, and repent of setting the example." Among the French ships taken was at least one store ship for Canada and three or four provision ships bound for Louisburg.[3]

Shirley secured in June, 1744, acts "for levying soldiers" and "to prevent soldiers and seamen in his majesty's service being arrested for debt," which prescribed the con-

[1] *Ibid.*, June 8, 1744, p. 23; June 9, 1744, p. 25.

[2] *Ibid.*, June 12, 1744, p. 29, June 18, 1744, p. 37; *A. and R.*, vol. iii, pp. 143-144; Shirley to Newcastle, July 7, 1744, *Sh. Cor.*, vol. i, pp. 132-133.

[3] Shirley to Newcastle, Sept. 22, 1744, *Sh. Cor.*, vol. i, p. 148; Shirley to Admiralty, Sept. 22, 1744, *Ad.* I, 3817.

ditions under which troops were to be raised for service and protected in it from arrest.[1]

By this time, the first alarm having subsided, the house became critical of expenditure, and during the summer voted subsistence for the forces upon the frontiers for only a month or two at a time and limited to 200 the number of men for the western frontier to be supplied in the later period.[2] Although such a policy was apparently not necessary to secure frequent meetings of the house, it did in fact make them inevitable. This policy of retrenchment also left the frontiers scantily manned.

On October 10th, the governor, in urging the renewal of the pay and subsistence of the men on the frontiers, pointed out that the Indians were restless, that they were being incited by the French, and that, although the relief of Annapolis Royal had probably saved the frontiers from a general attack, there was a plot on foot to secure the revolt of Nova Scotia from England. The reply of the house was to reduce the forces upon the western frontier to sixty men to serve as scouts for four months, and to provide for retaining only 200 men in the forts to the eastward, till November 19th.

Shirley, however, was still urbane. On November 29th, he proposed in general to substitute marching forces upon the frontiers (especially adapted to the winter season) as a means of saving expense and securing earlier news of enemy movements. At the same time he suggested that paying the Penobscot warriors, without asking service of them, would cost hardly more than one-fourth as much as guarding against breaches of their present neutrality, would encourage the frontier settlers to hold their ground, which

[1] *A. and R.*, vol. iii, pp. 144-147.

[2] *Jour.*, June 29, 1744, p. 54; July 19, 1744, p. 59; Aug. 16, 1744, p. 71; *A. and R.*, vol. xiii, pp. 378, 379, 383.

some were already failing to do, and would at the same time discourage the French and their allied Indians from attacks. He added that he had demanded of the Penobscots and neighboring tribes their quota of men to serve against the Cape Sable and St. John's Indians,[1] and advised that, in case they refused a firm friendship, hostile measures be employed "to reduce this handful of men to proper terms."[2]

A warning sent to Shirley by the New York Indian commissioners, apparently in the latter half of 1744, stated "that the influence of the French is so strong over the Indians living in and about Canada that they [the commissioners] are of opinion the French will prevail on those Indians to break the neutrality they agreed to with regard to the British colonies . . . ."[3] This shows that the policy of keeping those Indians neutral was, as Shirley had expected, proving short-lived. Even as the governor explained his policy to the house, commissioners named by him were attempting to conduct a conference with the eastern tribes at St. George's,[4] but with indifferent success.[5]

At the same time the governor reported that he had discharged the vessels and crews taken into the provincial ser-

[1] Shirley had explained to the assembly in October at their request that the participation by these tribes in attacks upon Annapolis Royal and the killing of some Massachusetts men had forced him to declare war upon them. To make the warfare effectual and a lesson to other tribes be urged offering a bounty for scalps and prisoners taken from them. This, after some hesitation, was done. *Declaration of war against the Cape Sable's and St. John's Indians* (broadside), Oct. 19, 1744, E, 10, 102, Boston Public Library; *Jour.*, Oct. 19, 1744, p. 98; Oct. 22, 1744, p. 99; Oct. 25, 1744, pp. 106-107; *A. and R.*, vol. xiii, p. 399.

[2] *Ibid.*, Nov. 29, 1744, p. 111.

[3] Wraxall, *op. cit.*, p. 237.

[4] *Jour.*, Dec. 11, 1744, p. 129.

[5] Declaration by Pepperrell for Commissioners, Nov. 29, 1744, and Commissioners to Bradbury, Dec. 1, 1744, *Ar.*, vol. xxxi, fols. 516-517.

vice because of the war crisis, as there were no funds for continuing them.[1] A financial dilemma was at hand, and Shirley took it up with the two houses. More funds, he pointed out, were needed for the treasury, and he could not consent to more issues of paper money unless a tax were laid that year to keep the sum outstanding within the limits set by his instructions. After recounting the ameliorating alterations made under his administration in the regulations by the home government for the issue of bills of credit, including the remitting of the suspending clause and freedom to raise extra sums for fortifications, he added: "nor have my best endeavors been wanting to prevent the present difficulty by making frequent applications to the offices of state for further inlargement of my liberty to issue bills during the continuance of the present war with France." These applications, however, had not received a reply. He had done his best for the province in the matter.

He then suggested that the house was able by present taxation, to ease the situation in the future. The burden, he estimated, if indebtedness continued increasing on the existing scale, would at the end of five years equal £115,000, and at the end of ten years would crush the province. He further pointed out that in the last French war the tax had been heavier per capita than so far in this one.[2]

This suggestion of Shirley was too strong doctrine for the legislators who doubtless were greatly harassed by their constituents. Their evident disgust at the situation soon appeared. On December 5th, they voted to name a committee "to consider of some proper method for the

[1] *Jour.*, Nov. 29, 1744, p. 113. The general court thereupon voted after a short delay to support until further notice upon the provincial snow, the only public vessel remaining in service, a complement of six men only, including officers. *A. and R.*, vol. xiii, p. 412.

[2] *Jour.*, Nov. 29, 1744, p. 111.

payment of the soldiers in the service of the province." This committee was apparently directed to take into question "the garrisons necessary to be continued in the service of the province and the exposed settlements in the eastern parts of the province." It reported in the afternoon of the same day that 200 men "be forthwith dismissed," and that 100 men be distributed among various posts in stated proportions and with specified duties, while 33 men apportioned among the eastern garrisons were to "be dismissed."

The house upon the same day "Read and Ordered, that the above report be accepted, and that the committee appointed to prepare a bill for establishing the wages, . . . of sundry persons . . . . in the service of the province, be directed to wait upon his excellency the captain general, and acquaint him with the resolution of the house upon this affair, and desire him to give his orders accordingly." [1]

Shirley replied to this message at the end of three days expressing his regret "that you have entirely mistaken your province in this affair." After admitting that they and the council had the function of raising money for the support of troops he added:

but as to the part of the militia out of which they are to be drawn, the posting of those soldiers when raised, and the duty upon which they are to be employed, the determination of it appertains only to the captain-general, who by the royal charter of this province, as well as by His Majesty's commission, has the sole government of the militia; and I believe this instance of intrenching upon that power (take it in all in [*sic*] its circumstances) is new and without precedent in this province, since His Majesty had the appointment of a governor over it.

He deprecated any breach "of that mutual confidence

[1] *Ibid.*, Dec. 5, 1744, p. 119.

which ought always to subsist between you and me," which he would do all that was reasonable to maintain. After further analysis of the report he expressed a hope that the house would "be sensible of your mistake." Continuing he requested that they consider further the wisdom of withdrawing thirty-three men from the eastern garrisons, which he believed would endanger the province. Pemaquid, he observed, was less effectively defended than before the war with France, and weakening the other forts would invite Indian incursions.

The house promptly retreated from its position and voted to "desire" Shirley to raise 100 men for the defense of the eastern frontiers, "if his excellency shall think proper," and to be apportioned "in such division as His Excellency shall direct." [1] Thus the way was prepared for hearty cooperation in the future.

Certainly the assumption of the right to direction of military affairs by the house was in part one of the fruits of Shirley's earlier forbearance. He did not make an issue when the house named committees to regulate the expenditure of public money for military purposes or voted funds for the support of troops in such a form as to specify the number who were to receive pay. On the other hand Belcher by following the contrary course had found it impossible for a season to secure appropriations for public purposes. As a means to securing the cooperation of the house in all affairs of government a man of tact and force would find Shirley's method immeasurably better, while a governor not possessed of those qualities would be unable by any device to get effective action without surrender to the assembly.

[1] For Shirley's reply and the subsequent action of the house, *cf. Jour.*, Dec. 8, 1744, p. 124. For a discussion of earlier instances of the assumption of like control of military affairs, *cf.* Spencer, *op. cit.*, pp. 120-121.

Meanwhile, matters outside the province were claiming no little attention. The captives taken at Canso had been at Louisburg little more than a month, before a flag of truce and a schooner from the commander there appeared at Boston bringing women and children, fourteen "lame incurable soldiers of the Canso companies," five able-bodied prisoners who had worked their way as able seamen, and Ensign Bradstreet (who had also been at Canso) as the bearer of a letter from M. Duquesnel, proposing an exchange of prisoners. Thereby the French were relieved of many mouths to feed and the English received few men capable of bearing arms.[1]

Provisions were short at Louisburg and the prisoners were soon suffering privations, as a consequence of which Bradstreet was made an intercessor with Shirley for the officers and their families,[2] and also for the common soldiers who had been taken at Canso, that they might be furnished with provisions necessary to keep them alive.[3] Shirley was very cautious about sending provisions for fear they would be used by the French, but finally sent one-third to one-half of what was requested for the officers, refusing altogether to send any to the men.[4]

Duquesnel was desirous of exchanging prisoners, of whom Shirley had a considerable number through the capture of ships at sea.[5] Shirley, after investigating the conduct of

[1] Shirley to Newcastle, July 7, 1744, *Sh. Cor.*, vol. i, p. 132. The whole number of persons sent was about 90, including women and children. *Jour.*, Oct. 16, 1744, pp. 88-89.

[2] Patt Heron, *etc.*, to Shirley, June 10, 1744, *C. O.* 5 900, 104.

[3] Heron, *etc.*, to Bradstreet, *C. O.* 5 900, 105; Shirley to Board, July 25, 1744, *Sh. Cor.*, vol. i, p. 136.

[4] *Ibid.*; Shirley to Newcastle, Sept. 22, 1744, *Sh. Cor.*, vol. i, p. 147; Heron, *etc.*, to Shirley, and accompanying data, *C. O.* 5 884, Ff, 45.

[5] Duquesnel to Shirley, June 28, 1744, *C. O.* 5 900, 102; Shirley to Duquesnel, July 26, 1744, *C. O.* 5 900, 99.

other governors in time of war, decided that his commission gave authority to proceed with an exchange of prisoners,[1] and agreed to Duquesnel's proposal, but with the reservation that able-bodied Frenchmen subject to confinement for the duration of the war should not be exchanged on equal terms for crippled or invalid soldiers to be released by the terms of their surrender at the end of a year, but who meanwhile would be a burden upon the country in which they might be.[2] Shirley therefore sent a smaller number of prisoners than the French had done.

Nevertheless, seemingly wishing to meet the standards of humanity in the conduct of warfare of a relatively enlightened age, even though in the midst of American wilds and savage allies, Duquesnel preferred not to hold the English in a condition of starvation. He sought, however, to release them upon better terms than Shirley would grant, and therefore made a new agreement with Captain Heron regarding the men captured at Canso, which would have extended the period of their incapacity to bear arms more than three months.[3] Meanwhile Duquesnel had professed to

[1] Shirley to Board, July 25, 1744, *Sh. Cor.*, vol. i, p. 136.

[2] Shirley to Duquesnel, July 26, 1744, *C. O.* 5 900, 99. Nine of the incapacitated men returned by the French were "cured of their indispositions so as to be very fit in the opinion of two of their officers for garrison duty" by July 20th. Shirley to Board, July 25, 1744, *Sh. Cor.*, vol. i, p. 134.

[3] This provided that in consideration of their not being taken to Canada as a necessary step to secure food, which would inevitably delay their release beyond the time set by their capitulation, they gave their pledge not to serve against France until Sept. 1, 1745. Under the agreement the men would be of little service during the campaign of the following year instead of being ready for service as their capitulation specified on May 24, 1745. Meanwhile the English and not the French must support them. Agreement of Duquesnel and Heron, Sept. 14, 1744, *C. O.* 5 900, 128; Heron to Shirley, Sept. 20, 1744, *C. O.* 5 900, 127; Shirley to Duquesnel, Sept. 22, 1744, *C. O.* 5 900, 125.

be unable to exchange the able-bodied of the Canso garrison till the expiration of the year for which they had surrendered, being bound by the terms of capitulation.[1]

Shirley received the troops who were sent after the making of this agreement, including the Canso garrison and others to the number of about three hundred and forty, but repudiated the new agreement made by Heron, denying his authority to make it. The troops were stationed in Castle William, and Shirley referred the question of their disposition to the home government.[2] He returned some Frenchmen for those sent at this time, but since he claimed to have secured English prisoners three or four times as many in number as the Frenchmen returned to Louisburg, he presumably counted non-combatants in his estimate.[3] Among those sent from Louisburg who were accepted by Shirley were a number belonging to New Hampshire, Rhode Island, Connecticut, New York and Pennsylvania. This led to feeling on the part of the house, they considering that Massachusetts was paying for the exchange of prisoners not her own.[4]

It appears from these events that Shirley secured more men, whom he needed to protect Annapolis Royal, and that Duquesnel conserved provisions, which he needed to

[1] *Ibid.*

[2] Shirley to Newcastle, Sept. 22, 1744, *Sh. Cor.*, vol. i, pp. 145, 147-148; Shirley to Admiralty, Sept. 22, 1744, *Ad.* I, 3817; *Jour.*, Oct. 16, 1744, pp. 88-89.

[3] *Ibid.*

[4] Shirley agreed that it was not just for her to do so and asked the advice of the house as to proper procedure when men not natives of Massachusetts but in the service of the province or of its merchants, or men not belonging to the province but sent with Massachusetts men, were offered for exchange. The house would go no further than to exchange men in the public service of Massachusetts. For this episode, *cf. Jour.*, Oct. 16, 1744, pp. 88-90; Oct. 17, 1744, pp. 92, 93.

maintain his garrison; but the balance of advantage clearly remained with the Englishman.

The question of provisions at Louisburg was obviously acute, another sign of which was the effort of Duquesnel to secure an agreement from Shirley to a neutrality in regard to the English and French fisheries in North American waters (after the English fishing post at Canso had been destroyed). This Shirley declared he was unable to agree to, and pointed out in a letter home that the French not only had great need of the fishery but would employ a neutrality to secure an advantage in that industry which the existing conditions would favor.[1]

Amid these diverse episodes of local concern, Annapolis Royal had been occupying the center of the American stage in the war between England and France. Shirley's first reinforcement to the garrison arrived July fourth and found the garrison besieged by a body of about 300 Indians, led by a French priest and three other Frenchmen, one calling himself an officer. These enthusiastic allies of the French had demanded the surrender of the fort, burned some outlying buildings, killed two soldiers, and also most of the garrison's cattle. The savages went gaily down to the shore upon the arrival of the Massachusetts troops to welcome them with open arms, under the impression that the latter were French who were expected from Louisburg. This mistake having been rectified, the besiegers took to their heels.

Meanwhile the French inhabitants of the district were exhibiting the discreet behavior which Shirley had sought to induce. The arrival of the Massachusetts reinforcements drew from Mascarene an epistolary sigh of relief. This was made a little less hearty through the writer's per-

[1] Duquesnel to Shirley, June 28, 1744, *C. O.* 5 900, 102; Shirley to Board, July 25, 1744, *Sh. Cor.*, vol. i, p. 137; Shirley to Duquesnel, July 26, 1744, *C. O.* 5 900, 99.

plexity over taking care of seventy men when he had but twenty beds, and over trying to fight the Indians without rangers, for a supply of whom with a competent leader he repeated a request to Shirley. At the same time the engineer, Bastide, sent the Massachusetts governor a paean of praise of the conduct of a few Indians sent by him and begged their numbers might be increased.

The remainder of the detachment of 120 granted by the Massachusetts assembly, plus nine salvaged from the relics of the Canso garrison, were sent by Shirley, July 20th.[1]

These proceedings becoming known in England caused the sentiments of gratitude which all men should feel upon being extricated from difficulties beyond their power to cope with. The upshot of the action taken (through the usual channels) was that

> His majesty in council . . . being well pleased with the dutifull and zealous behaviour of William Shirley, Esqr., his governor of the Massachusetts Bay in obtaining the aforementioned succours for his province of Nova Scotia, doth therefore hereby signifye his royal approbation of the said governor's conduct therein and his majesty is likewise pleased to declare that he will make good the engagement entred into by the said governor for the pay of the succours. . . .[2]

Three days later there was approved by the king also a special instruction to Governor Shirley which should be read in connection with the events leading to the order in council quoted in part above. The new instruction revised the twelfth instruction of the original series to the effect that since

[1] For this early phase of the campaign, *cf.* Mascarene to Shirley, July 4, 1744, *C. O.* 5 884, 479, Ff, 46; ditto to ditto, July 7, 1744, *C. O.* 5 900, 109; Bastide to Shirley, July 7, 1744, *C. O.* 5 884, 483, Ff, 46; *Jour.*, July 18, 1744, p. 57; Shirley to Board, July 25, 1744, *Sh. Cor.*, vol. i, p. 134; Mascarene to Warren, Oct. 22, 1744, *C. O.* 5 900, 143.

[2] Order in Council, Sept. 6, 1744, *Sh. Cor.*, vol. i, p. 143.

it has been represented to us, that the said sum of thirty thousand pounds [the sum Shirley was allowed to emit annually in bills of credit without a suspending clause] may not be sufficient during the time of war for the defense and necessary support of our government, and forasmuch as many unforeseen accidents may arise which may demand an immediate supply, it is therefore our will and pleasure to dispense with our said twelfth instruction, and we do hereby allow you in case of emergencys to give your consent to such acts as may be necessary for the supply of the treasury of our said province with bills of public credit during the continuance of the present war, provided the money thereby raised be appropriated to the necessary support and defense of our said province only.

When the knowledge that war had come reached America, Shirley became emphatic upon the need for permission to issue bills of credit required for the conduct of the war without a suspending clause. The response at home, although relatively rapid as the startled government found itself overtaken by the Nemesis of war, was grudging in spirit, and was so tardy that Massachusetts was left straining at her bonds throughout the first year of the French war before the permission was known there. It was this delay that forced Shirley to struggle along with only a partial provision for war needs.[1]

Thus did Shirley's rescue of Annapolis by means necessarily unauthorized show that under the system of administration of the colonies then obtaining the only way in which a colonial governor could win the unqualified approval of his superiors in emergencies might be by exceeding

[1] Shirley to Board, Aug. 10, 1744, *Sh. Cor.*, vol i, p. 141. For Shirley's attitude and the action at home, *cf. ibid.*, and Shirley to Newcastle, May 31, 1744, *C. O.* 5 884, Ff, 28; Board to Privy Council, Aug. 28, 1744, *C. O.* 5 918, 133; Instruction to Shirley, Sept. 9, 1744, *Sh. Cor.*, vol. i, pp. 144-145.

or breaking their instructions, and thereby submitting for their approval a success not otherwise attainable.

Meanwhile Shirley had raised a third company of Massachusetts men and a company of rangers, largely picked Indians and frontiersmen, under the command of Captain Gorham, thus increasing the forces for the relief of Annapolis to four companies.[1] Before these reinforcements arrived Captain Duvivier with seventy or eighty men and officers from Louisburg landed on the northern coast of the province, attracted deserters among the inhabitants by offering pardon, and rallied all nations of Indians in the region, thereby collecting 600 or 700 men who camped about a mile and a half from the fort.[2]

It was at this time that Shirley, while pledging every effort,

[1] Shirley to Board, July 25, 1744, *Sh. Cor.*, vol. i, p. 135; Kilby to Newcastle, Apr., 1745, *T* 1 321, attached to Order in Council, Sept. 6, 1744, approving Shirley's conduct; *A. and R.*, vol. xiii, p. 389. The order in council is printed in *Sh. Cor.*, vol. i, pp. 142-144, but the memorial from Kilby does not appear. For action upon the raising of the other two companies, *cf. Jour.*, June 22, 1744, pp. 45-46; *A. and R.*, vol. xiii, p. 374. The third company was sent Sept. 15th. Shirley to Board, Oct. 4, 1744, *C. O.* 5 884, Ff, 33.

[2] At first they appeared near the fort with great boldness, which except at night was soon tempered with caution. For about a month the fort was cut off from supplies from the surrounding country. Preparations for an assault were futile as the Indians had no taste for such work. The French commander then informed the garrison he daily expected three men-of-war and 250 more men with artillery from Louisburg and proposed the surrender of the garrison upon their arrival. Mascarene at first replied that their coming would be a proper time to consider the matter but September 6th held a council of war and conducted negotiations for three or four days for surrender. However, as the coming of the French expedition was uncertain, these were broken off, and nine days later Shirley's third reinforcement, of Indian rangers, arrived, and the besiegers retired leaving only a covering body of Indians. Shirley to Board, Oct. 4, 1744, *C. O.* 5 884, Ff, 33; Shirley to Board, Oct. 16, 1744, *Sh. Cor.*, vol. i, p. 150; Shirley to Newcastle, Oct. 21, 1744, *C. O.* 5 900, 132; Kilby to Newcastle, Apr., 1745, *T* 1 321.

especially in the matter of securing supplies for the garrison,[1] warned the home government that more effective assistance than Massachusetts could supply would be necessary to protect Annapolis by the following spring.[2]

The garrison, meanwhile, was not under attack but was nervous. The New England men were as well cared for in most ways as circumstances allowed; but were without medical attention, since the surgeon of the garrison, although acknowledging the signal and happy deliverance of Annapolis Royal by the providential care and vigilance of Governor Shirley, could see no security for his pay for serving the Massachusetts men; and the storekeeper there could see no reason for furnishing bedding or clothing to men not in the king's service. None of the New England governments but Shirley's would raise a finger to help maintain Annapolis.[3] During the summer Shirley wrote to Commodore Warren at New York suggesting a short visit to Annapolis with his men-of-war to give moral support to the garrison, but Warren replied on September 22d, that although his ships were not in condition, and the season so late as to make the trip almost impracticable, yet in case the New York government should send any assistance to Annapolis (which they had no intention of doing) he would endeavor to get it safely there.[4]

[1] In the fall of 1744, Shirley, in order to prevent the withdrawal of the New England forces from Annapolis, ordered the agent in Boston for the victualling of the king's ships to supply provisions and clothes for that fortress, giving in payment his bills drawn without instructions upon the treasury at home. *Cf. supra*, pp. 196, 213; Shirley to Newcastle, Nov. 9, 1744, *C. O.* 5 900, 135; Shirley to Board, Nov. 9, 1744, *C. O.* 5 885, 9, Ff, 50.

[2] Shirley to Board, Oct. 4, 1744, *C. O.* 5 884, Ff, 33; Shirley to Newcastle, Nov. 9, 1744, *C. O.* 5 900, 135.

[3] Skene to Shirley, July 28, 1744, *C. O.* 5 900, 114; Shirley to Newcastle, Aug. 30, 1744, *C. O.* 5 900, 112.

[4] Shirley to Newcastle, Oct. 21, 1744, *C. O.* 5 900, 132.

The Massachusetts assembly showed natural discontent at being called upon to support the men at Annapolis in addition to other heavy charges.[1] It had already done fairly well by spending about £3,000 sterling for the relief of the fortress.[2] Eventually the house realized the advantage gained by Shirley's policy, and on October 13th sent the governor a vote of appreciation for his foresight and wisdom in proposing and securing the carrying out of the expedition for its relief.[3]

By the end of summer Shirley foresaw that should the reinforcements be withdrawn the French at Louisburg would make an attempt upon Annapolis in the fall or in the early spring, when forces from England would not be expected upon their coasts. In view of this prospect he sought to hurry a third reinforcement to its aid. The difficulty of getting either men in the royal service from England or men in the service of the colonies in America to Annapolis and of maintaining them there, led Shirley to suggest recruiting the regiments posted in America from Americans. General Phillip's now sadly depleted regiment, posted at Annapolis, was to be included in this policy. By this means those regiments would be better filled with more healthy men. Shirley declared it feasible to enlist New Englanders for service at Annapolis for a moderate bounty, provided they were to serve for three or five years.[4]

In September the arrival of a considerable squadron of French merchant and war vessels at Louisburg caused alarm for Annapolis, but it appeared that they had no aggressive intentions. It was said that the French had been deterred

[1] On July 19th, the house refused to vote money for pay and bedding for the men at Annapolis. *Jour.*, p. 58.

[2] Shirley to Newcastle, Aug. 30, 1744, *C. O.* 5 900, 112.

[3] *Jour.*, Oct. 13, 1744, p. 85.

[4] Shirley to Newcastle, Aug. 30, 1744, *C. O.* 5 900, 112.

from an earlier attack, after preparations for it were begun, by a report, picked up by the commander of the first flag of truce which came to Boston, that Commodore Warren, stationed with a squadron at New York, was to be joined at Boston by a considerable fleet for a secret expedition, supposed to be against Louisburg. This report, Shirley said, "I did not think fit to discourage at that juncture." [1]

While these conditions were developing in Nova Scotia Shirley sent a small expedition from Massachusetts (and fruitlessly invited aid from the neighboring governments) to run all risks to save Annapolis, and if feasible to oust the intruding French from the region of Menis.[2] Before his little armada reached Annapolis a forty-gun ship and a brigantine from Louisburg visited the harbor, but after taking two small New England vessels which were there, retired after three days.[3]

Even when the middle of October was past Shirley was still nervous for the safety of the place and began making plans for its recovery if captured. He suggested a force to consist of 250 recruits from home, two forty-gun ships or one fifty-gun ship with some shells.[4] He thought the arrival of these land and sea forces by February would make possible, in connection with forces to be raised by him in New England, the reoccupation of Annapolis, before a French force from Europe could establish their hold upon

[1] Shirley to Newcastle, Sept. 22, 1744, *Sh. Cor.*, vol. i, pp. 145-146; Shirley to Admiralty, Sept. 22, 1744, *Ad.* I, 3817; Shirley to Board, Oct. 4, 1744, *C. O.* 5, 884, Ff, 33, 367; Shirley to Newcastle, Oct. 21, 1744, *C. O.* 5 900, 132.

[2] Shirley to Newcastle, Oct. 21, 1744, *C. O.* 5 900, 132.

[3] Mascarene to Warren, *C. O.* 5 900, 143; Shirley to Newcastle, Nov. 9, 1744, *C. O.* 5 900, 135.

[4] Ammunition for mortars to be used for bombardment of fortifications.

it, since the French could not spare a large garrison from Louisburg, which had no more than 800 men.

Soon after the visitation by the armed vessels from Louisburg, however, it was discovered that Duvivier had withdrawn his troops to that fortress. The expedition from Massachusetts, therefore, found no greater task than to awe the inhabitants of the district, which they accomplished effectively. The people sent deputies to the fort to profess unshaken allegiance to the English and to reopen free communication with the garrison for the purpose of supplying provisions, and materials for the repair of the fort. Whereupon Shirley concluded that everything was probably safe until spring, as it proved to be.[1]

In addition to the safety of Annapolis and its tributary country another source of joy came to the Massachusetts assembly when in early January, 1745, Shirley announced to them that he had news from home that the Massachusetts troops sent for the relief of Annapolis Royal would be paid by the king from the time of their first enlistment, that their subsistence would be financed from the same source after the first three months, that the men would be discharged upon the arrival of reinforcements from Great Britain, and that the behavior of the province in the matter had been approved at home.[2] By this time Shirley's ever active mind was humming with the details of a much larger enterprise which was to bring him what has been generally considered his greatest fame. In connection with this enterprise came the turning point of the early portion of the war in America, a development which is traced in succeeding chapters.

[1] Shirley to Newcastle, Dec. 8, 1744, *C. O.* 5 900, 138.

[2] *Jour.*, Jan. 8, 1745, p. 165.

# CHAPTER XI

## LOUISBURG—ORGANIZING A COUP

THE erection of the fortress of Louisburg by the French in 1720 was an inspiration, the occasion for which had been furnished by England, who by conceding Cape Breton to France by the treaty of Utrecht in 1713, at the same time annexing the French bases in Acadia and Newfoundland, in themselves valuable, but strategically less dominating than the seemingly worthless island of Cape Breton, presented her with an opportunity similar in kind to that which she more recently conferred upon Germany by the cession of Heligoland. The result was a formidable fortress so placed as to dominate long stretches of coast belonging to England, and trade routes between England and her colonies. Moreover, under the protection of its guns and those of the ships which frequented its haven the French were creating new and valuable industries in America. Before Louisburg arose among the marshes of Cape Breton, France's continental American possessions had but one important resource, the fur trade. With Louisburg came a quickening of French enterprise in America.

The most important development was of the French fishery, which centred at Louisburg and flourished greatly, thereby competing actively with the English fishery operating partly from Newfoundland and partly from New England, on either side of Louisburg. By thus occupying the central position the French, as an English writer observed, followed the policy of "*divide et impera.*"[1] Before the

[1]Massachusettensis (pseud. for Robert Auchmuty), *Importance of the Island of Cape Breton considered; in a letter to a member of Parliament, from an inhabitant of New England* (London, 1746) pp. 6-7.

war came in 1744, the fishery had grown until it was asserted by a competent English witness that it employed at least 1,000 vessels of from 200 to 400 tons, and 20,000 men, and had an average annual output of 5,000,000 quintals of fish.[1]

In consequence while the St. Lawrence valley and to a less extent the Mississippi valley remained the centers of the fur trade, Louisburg acquired a sudden prominence as the chief seat and natural haven of the vastly important fishery. With it went a rapid increase of shipping and trade, many fish being sold in Spain. Other goods purchased with the proceeds were bought and sold in many ports. Thus many seamen were trained and the navy expanded.[2]

On the St. Lawrence, moreover, protected by Louisburg beside the entrance to the waterway, a shipbuilding business was springing up. In 1744 a sixty-gun ship built there set out from Louisburg and played an important role in preying upon English shipping and protecting that of France.[3] In the same year two other men-of-war were said to be building on the St. Lawrence.[4]

The great fortress was an incubus upon all the colonies as far south as the mouth of the Delaware, threatening in proportion to the ease with which they could be reached from it as a base. New England, both from her proximity to the stronghold and because she possessed the largest com-

[1] Auchmuty, *The Importance of Cape Breton to the British Nation* (London, 1745), p. 3. Another source put the number of men employed at 25,000 to 30,000 and the value of the catch at nearly £1,000,000 sterling a year (Massachusettensis, *op. cit.*, pp. 4, 5), while Shirley testified that the French employed in that fishery 7,000 men from Louisburg alone. Shirley to Newcastle, Jan. 14, 1745, *Sh. Cor.*, vol. i, p. 162.

[2] Massachusettensis, *op. cit.*, pp. 4-5.

[3] *Ibid.*, pp. 2-3.

[4] Shirley to Newcastle, July 7, 1744, *Sh. Cor.*, vol. i, p. 133.

merce and fishery and the chief port of the English colonies, lived in the greater dread.[1] New England, moreover, not only feared but hated the French domination there and elsewhere with a holy hatred. All the deepset religious instincts of the Puritans, who still pitched the spiritual life of New England in a high key, were in revolt against the formalism of the Catholic faith. Louisburg, therefore, was a name to conjure with in North America, and particularly in New England.

The clearness with which New England comprehended the significance of Louisburg made possible Shirley's plans for conducting the French war. The major items in his preparations for the war and in his measures for conducting it during the first two years were all conditioned by the presence of the great fort. His coast defenses were to thwart any expedition which might issue from beneath its walls, and his guard vessels were to protect the fishery, to keep vessels from Louisburg at a distance and to cut off supplies intended for it and for Canada. The leaders in the Massachusetts assembly also grasped the fact that Nova Scotia, as the frontier of the English colonies toward Louisburg, was in fact the New England frontier. This was the truer since Canso on the shore of Nova Scotia had been the site of a fishing station. Thus the fall of Canso was a Massachusetts defeat and the maintaining of Annapolis Royal a Massachusetts victory.

At the end of 1744, however, despite the retention of Annapolis Royal, the result upon the Nova Scotia frontier was advantageous for the French. They had taken Canso, thereby leaving the New England fishery with no safe haven nearer than its home ports. They had occupied the in-

[1] For the facility with which the French thence might harass and attack the English seaboard colonies and the trade to and from them, *cf.* Auchmuty, *op. cit.*, pp. 5-6.

terior of Nova Scotia, supplied thence the garrison at Louisburg with much needed provisions,[1] and influenced many French-speaking inhabitants of the region to turn against the English.

Shirley's success at Annapolis Royal, therefore, was purely defensive, and left the English in possession not of the first, but the second line of defense. The French advance into Nova Scotia gave a negative advantage to the English by taking their enemies farther from their base at Louisburg, while they themselves were nearer to their own base in New England, which was for the time being the real English base of operations in America. The French, however, experienced the *élan* of the offensive and were operating in a friendly country.

The success of the French in Nova Scotia in 1744 was due to their having the control of the sea in that district at the outset and during most of the campaign, despite periodic visits of Massachusetts vessels to the coast. The French fleet, except late in the season for a period, was not considerable, but the mosquito fleet of Massachusetts was not a match for it. The non-appearance of a considerable English squadron in continental North American waters was the decisive factor, and in view of the unquestioned English preponderance upon the sea and the importance of the American fishery and trade, was an anomaly.

The Jacobite demonstration against England at that time might have been met as well as it actually was met with a smaller naval force than was employed; since a direct invasion of England from France was made impossible by a considerable English squadron in the channel, and another good-sized force retained in home waters was not effective in preventing the Pretender from reaching Scotland.

[1] Shirley to Board, July 25, 1744, *Sh. Cor.*, vol. i, p. 137; Shirley to Newcastle, Sept. 22, 1744, *ibid.*, pp. 146-147.

whence the disturbance almost exclusively arose. The French, meanwhile, having held the bulk of the British fleet at and near home, despatched their East India fleet from the African coast to Louisburg in entire safety,[1] and thence, in the colder weather, home. Hence despite the English naval superiority the English-American campaign of 1744 was a defensive one, and but for Shirley's insight, promptness and persistence would have been a disastrous one.

In failing to prepare for the essential needs of the war in America the English ministry was guilty of the criminal negligence which all pacifistic governments display in the face of a war crisis. The ministry gave no sign of understanding what was required and, besides being incapable by temperament of aggressive action, was busy with computations of patronage and war costs rather than of troops and ships. The Whigs, to avert the threatened collapse of their administration, were discussing as the most vital question of the time the inducing of the Tories to join in a coalition in which they should enjoy honor and profit without power. Under these circumstances, Lord Chancellor Hardwicke, perhaps the most sagacious of the ministers, could find no more fertile military suggestions to offer at the end of 1744 than that "the principal point of the public service is to carry on the war till a reasonable peace can be obtained," and that some means should be sought to make the war popular.[2] Shirley, therefore, could not solve the problem of American military success which had been by common consent shunted upon his shoulders, unless and until the ministry could be persuaded to act strongly in America, at least through an adequate naval force.

[1] Massachusettensis, *op. cit.*, p. 3.

[2] For a discussion of the political situation in England in December, 1744, with sidelights on military plans, *cf.* "Minute of a paper by Lord Ch—r on the Present Posture of Affairs," Dec., 1744, *Hardwicke Papers, Miscellaney Mss.*, 77, New York Public Library, and also Harris, *Hardwicke*, vol. ii, pp. 106-110.

To an English-American the course of future empire was patent—first Louisburg and then the St. Lawrence basin in the heart of Canada must be taken. Adequate forces, however, were needed, and all eyes were turned upon England, whence, it seemed, they, or a large proportion of them, would come.

So obvious did this procedure appear to the minds of intelligent men in America that a series of suggestions bearing upon the desirability, possibility and method of taking Louisburg were presented to the English government by public officials in America, or colonial representatives in England, the authors of all of which clearly wrote with the belief that England must lead and furnish the bulk of the armament and men in such an attempt. Such had been the plan of the ill-starred expedition of Walker against Canada in 1711, which under an abler leader should have succeeded. Such, it seemed, must be the method followed in any successful attempt against the stronghold of Louisburg.

The depth of the impress made by Louisburg upon the American mind is shown by the fact that in 1743 an official located as far south as Lieutenant-Governor Clarke of New York wrote to urge upon the home government the need and feasibility of taking Louisburg from the French in case of a war with them, as a first step in the conquest of Canada, even before the control of Lake Ontario and of Crown Point was wrested from the enemy. The lieutenant-governor observed that since the stronghold was such a "thorn in the sides of the New England people" it was probable a large body of men could be raised there "to assist in any such design," and if trained from the preceding summer by "proper officers . . . . from England, . . . may by the ensuing spring be well disciplined." He added that since the French had few men in Louisburg during the winter save the garrison the most favorable season for an

attack, was in the spring, "before the men of war and fishing vessels come from France." To accomplish this a British fleet might winter in Boston harbor.[1] No apparent influence upon the policy of the ministry followed this suggestion and the subject seems to have slept until the declaration of war in March, 1744.

At the time of the declaration two citizens of Massachusetts, in London to represent the province in different capacities, raised the question anew. Christopher Kilby, the regular agent of the province in London, had the knowledge of the question of a Massachusetts merchant, and perhaps special information as agent of the colony. Shirley wrote from New England on May 31, 1744, to assure Newcastle that "Mr. Agent Kilby . . . . is very well acquainted with the consequence of Annapolis Royal and the Canso fishery to the interests as well of Great Britain as New England" and would "give your Grace a very particular account of 'em."[2] Shirley was then especially interested in saving Nova Scotia, which was in obvious jeopardy since the fall of Canso. No doubt he had sent or was sending information to Kilby bearing upon the question of which he declared he knew the latter could give a particular account. Whether he had also sent him data upon the situation of Cape Breton does not appear.

In any case Kilby seems to have been acting upon his own initiative when, on April 3d, five days after the English declaration of war, he submitted to the board of trade a statement on behalf of New England, which he conceived to be in imminent danger through the probable prompt seizure of Nova Scotia by the French. After

[1] "Governor Clarke's Report On the State of the British Provinces with respect to the French who surround them, 1743," *Documentary History of New York* (Albany, 1849-1851), vol. i, p. 469.

[2] Shirley to Newcastle, May 31, 1744, *C. O.* 5 884, Ff, 28.

stressing the peril in which the Newfoundland and New England fisheries, the masting of the royal navy (in Maine and New Hampshire), the whole trade of British America, "and the safe and quiet possession of all His Majesty's northern colonies" then were from the continued presence of the French in those parts, Kilby suggested an attack on the French "in their strong island of Cape Breton," and offered to communicate information warranting his conviction "that the reduction of the island is not only practicable but easy, and that in the present conjuncture which brings the war upon them in the midst of a famine, a well-conducted and vigorous attempt, would entirely subdue all their possessions on the continent of North America." The result of a success against Cape Breton he said would be to extend Great Britain's commerce, enlarge its fisheries, augment its natural increase of seamen and distress the French in the most sensible manner. He explained that he was chiefly influenced in submitting this paper by "the doubt I have of there being any other person in England furnisht with an account of those particulars that will be necessary information in case an attack of such importance should be thought proper." [1]

Mr. Kilby's information regarding Cape Breton may have been more particular than was available elsewhere in England, but he was not the only person who felt able to offer information and to suggest to the government that it be taken. Another citizen of Massachusetts, Robert Auchmuty,[2] on April 9th, dated a paper for the consideration of the British government upon the "Importance of Cape Breton to the British Nation." It was a plea for the

[1] Kilby to Board, Apr. 3, 1744, *C. O.* 5 884, Ff, 22.

[2] Judge of admiralty, and now in England as agent to secure a settlement of the Massachusetts-Rhode Island boundary favorable to the former.

capture of Louisburg. It was the paper of a lawyer, sketching the economic value of Louisburg to the French, the consequent damage to them from losing it, and the corresponding gain that would come to England from its capture[1] its strategic value during the war to French and English as a base for naval and military operations, the relative ease with which it might be captured, and a plan, prepared in some detail, for its capture. This plan proposed an attempt upon the same lines as those adopted for the Walker expedition against Canada, in 1711. It would have brought before Louisburg by the middle of April, 1745, a naval force consisting of ships of the line from England, which should be sent in 1744 as station ships to help protect Virginia, Maryland, New York, Massachusetts and Canso, and five twenty-gun ships, the regular station ships off the above points in time of peace. In addition there would have been a military force of 2,000 regular troops from England and an equal number to be raised by apportionment from among the colonies as far south as and including Virginia. Under this plan 1,000 men, or one-half of the American troops, would have been raised in Massachusetts. The army was to have a full siege equipment. Both fleet and army, of course, would have commanders named at home.[2]

Auchmuty has sometimes been given credit for planning the Louisburg expedition of 1745. The expedition which took place, however, had little relationship in origin, composition, equipment, or command, to the one proposed

[1] He estimated that the increased English fishing would result in the purchase in the plantations of English manufactured goods worth £2,000,000 sterling per annum from its proceeds. English possession of Louisburg would also embarrass if not cut off communication with Canada, and lead to the absorption of the fur trade by the English, who would have the only goods available for the Indians during the war and could sell better and cheaper goods in time of peace.

[2] Auchmuty, *op. cit.*, p. 6.

by him.[1] It is not at all unlikely, however, that his proposals made some impression upon the ministry in drawing their attention to the need for preventing the French from using their Cape Breton base effectively against the English, and to some extent influenced the home government to support the attempt against Louisburg. Nevertheless the intention of the home government at the beginning of 1745 was to fight another essentially defensive campaign during that year in America.[2]

Just how the project which was executed for the capture of Louisburg germinated, who first visualized it as it took place, how far the man who made it a reality also conceived it, have been moot questions. In comment upon the numerous contradictory claims to prior and exclusive responsibility for the origination of it, it may be said that there is no evidence to show that the expedition sprang full-armed from the brow of any Mars.

Shirley's part in it most clearly appears by following his footsteps as he struggled to prevent the power which had its seat there from engulfing New England and the rest of the English colonies. To his mind the control of Louisburg was necessary, when possible, as a matter of defense,—to remove the menace to Nova Scotia and New England, to

[1] The statement of the *General Evening Post* of London after the capture of Louisburg (quoted by Wood, *The Logs of the Conquest of Canada* [Toronto, 1909], p. 59) that "The whole plan of the expedition was laid, or at least concerted, in New England . . ." shows that it was generally understood at home at the time that plans presented to the ministry by persons in England could have had but a very indirect share in producing the expedition.

[2] Anything short of the taking of Louisburg would be essentially defensive, and there is no indication that this was seriously contemplated. Discretion allowing Commodore Warren to attack if conditions were favorable was aside from the announced primary purpose of his operations, which was the defense of Nova Scotia and other British interests. *Cf.* Newcastle to Shirley, Jan. 3, 1745, *Sh. Cor.*, vol. i, pp. 155-156.

carry the frontier back to where it was before 1713. This achieved, the war would become one between the English ribbon of colonies along the seaboard and the old Canada fringing the St. Lawrence and the Great Lakes, with a tempting opportunity for Britain's might to tip the scales.

All through the efforts to save Annapolis Royal, as puny in proportions as the resources which provided them, but timely, unrelaxing, and finally successful, Louisburg was always in the background. Shirley did not appear in the council chamber to deliver upon all occasions the cumulative dictum "*Ceterum censeo esse delendam*" Louisburg. Had he done so it is not likely that Louisburg would have fallen. Shirley was not a propagandist through popular appeal, as those are who rely upon others to produce measures for realizing their aspirations. Ordinarily his appeal was for the support of a concrete program and frequently one already under way, rather than a resort to *a priori* reasoning.

It is clear that the plan for taking Louisburg was gradually evolved in Shirley's mind. It requires little imagination to suppose that at the outbreak of war with France he regarded the taking of it as the first important step of an aggressive war in America. It requires even less imagination to infer that he had too much information and too sound a judgment to risk his reputation for sanity with the British ministry or the Massachusetts legislature by proposing the conquest of Louisburg to either in the then existing state of affairs. Yet both apparently must take part in any successful attempt; for Massachusetts could not do it alone and England would not attempt it without colonial support, which would naturally come chiefly from New England.

We shall see how the Louisburg *tour de force* grew upon him. In the middle of June, while largely employed in rescuing Annapolis Royal, Shirley wrote to the board of trade

upon the importance of preventing provisions from reaching any of the French colonies, and particularly Louisburg, during the existing war. The soundness of this suggestion was promptly confirmed.[1] On the following July 4th, there arrived in Boston a company of prisoners from Louisburg and a messenger from those remaining there appealing for food. It was doubtless from these new arrivals that Shirley secured the information which he wrote to Newcastle three days later that although the people of Louisburg had then plenty of bread and fish, they were in great want of all other provisions and would soon be in distress for lack of bread, on account of the numbers of people who resorted to that port from adjacent regions.[2]

The supplies sent the prisoners by Shirley in response to their appeal were scanty. In keeping the supply of provisions for the prisoners at Louisburg at a minimum he was seeking two ends, to expedite the exchange of prisoners (which the French would be the more ready to arrange on favorable terms when their support was a problem) and to reduce the garrison itself to straits.[3] Regarding the same problem from another angle, Shirley considered the fall of Canso not so much as a loss to the English as a benefit to the French in Louisburg from their increased fishery, and from the free access now theirs to the grain and livestock of Nova Scotia.[4]

Meanwhile the situation at Louisburg had developed unsuspected possibilities. For three months in spite of a

[1] Shirley to Board, June 16, 1744, *C. O.* 5 884, Ff, 27.

[2] Shirley to Newcastle, July 7, 1744, *Sh. Cor.*, vol. i, p. 133; Heron, *etc.*, to Shirley, June 10, 1744, *C. O.* 5 900, 104; Heron, *etc.*, to Bradstreet, June 10, 1744, *C. O.* 5 900, 105.

[3] Shirley to Board, July 25, 1744, *Sh. Cor.*, vol. i, p. 136; Shirley to Newcastle, Sept. 22, 1744, *ibid.*, p. 147; Heron, *etc.*, to Shirley, and accompanying data, *C. O.* 5 884, Ff, 45.

[4] Shirley to Board, July 25, 1744, *Sh. Cor.*, vol. i, p. 137.

shortage of provisions the commander, Duquesnel, refused to exchange prisoners. His chief reason was probably his unwillingness to allow information of the situation at Louisburg to reach the enemy. Finally he seems to have been forced to act partly to relieve himself of the burden of feeding so many unproductive persons. Hence on September 21st, a large detachment of prisoners from Louisburg arrived at Boston and at once Shirley hastened to report to the government at home the developments, expected and unexpected, at Louisburg. The expected condition was that they were "in great want of provisions" (a condition to which he had contributed so far as possible by greatly interfering with their fishery),[1] despite the fact that their capture of Canso and the consequent opening of a route to Nova Scotia had, by allowing them to secure thence 700 head of cattle and 2,000 sheep, apparently prevented their starving during the summer just past.[2] The unexpected condition at Louisburg, of which Shirley seems to have been much surprised to learn, was the presence there of a considerable fleet including six East India merchantmen which would normally have gone directly to France, but to escape in time of war, had been directed from the African coast to Louisburg as a safe refuge until conditions were favorable for slipping across the Atlantic home.[3]

[1] Shirley to Newcastle, Sept. 22, 1744, *ibid.*, pp. 146, 148; Shirley to Newcastle, Dec. 8, 1744, *C. O.* 5 900, 138.

[2] Ryal and Bradstreet to Shirley, Sept. 21, 1744, *C. O.* 5 900, 120.

[3] Shirley received an account of this fleet and forecasts of its plans from several persons who had just returned from Louisburg. The most informing and as Shirley believed most reliable account was by Lieutenant Ryal of the British warship *Kinsale*, and Ensign Bradstreet, both of whom had been taken at Canso. By their statement supplemented by others it appeared that the fleet at Louisburg had the equipment of a formidable squadron. The six East Indiamen came

The presence of this fleet at Louisburg, probably for the warm weather only but likely to be followed by similar visitations in succeeding years, completely altered the aspect of the war in America. The naval strength of the French at and near Louisburg had undoubtedly been greater at all times during 1744 than that at the disposal of Massachusetts, but through dispersion and lack of ability to forecast Shirley's action had not been effective to prevent free communication between Massachusetts and Nova Scotia, or destructive forays in the vicinity of Louisburg. Had the cutting off of Annapolis been attempted in the earlier months, the little Massachusetts squadron would have been strong enough to try conclusions with the enemy. But with the coming of large warships to Louisburg, it was clear that they dominated the coast of the continent. From that time not only communication with Nova Scotia but the English hold upon Annapolis were continued only by the sufferance of the French at Louisburg. Up to this time the resources of Massachusetts had been barely sufficient

with thirty-two guns each but two of them had since been supplied with a total of fifty-four guns each. Another East India ship had also arrived from France with fifty-four guns. In addition there were at Louisburg warships in the service of France including a sixty-six-gun ship, a fifty-four-gun ship newly built in Canada and partly fitted out at Louisburg, and a twenty-four-gun ship, not counting a thirty-gun ship then at Canada to return to Louisburg for the winter. There were also at Louisburg two small provision ships from France and three vessels carrying twenty-eight, twenty and twenty guns respectively, loading with furs and fish. Finally there were four privateers operating from that port. Neglecting the last, there were five heavily armed ships and eight of less strength then there, and a ninth moderately armed ship expected later. Ryal and Bradstreet to Shirley, Sept. 21, 1744, *C. O.* 5 900, 120; Mason to Shirley, Sept. 20, 1744, *C. O.* 5 900, 119; Richards, Nealson and De Joncourt to Shirley, Sept. 20, 1744, *C. O.* 5 900, 124, published in *Cor. Col. Govs. of R. I.*, vol. i, pp. 271-272; Declaration of Montgomerie and Trimble, Sept. 22, 1744, *C. O.* 5 900, 122.

to meet the situation. With the assembling of the French war dogs of the sea they became clearly inadequate. It appeared evident that Shirley's success in saving Annapolis had been partly due to the preoccupation of the French in other things, particularly in equipping, manning and despatching the valuable East Indiamen to France under adequate convoy.

Shirley realized also that a force which could bottle up Annapolis would be equally potent in bottling up Boston. In fact he declared in November that one French forty-gun ship could now block up Massachusetts by cruising between Cape Cod and Cape Ann.[1] Conversely a similar English ship stationed at Canso, he said, would have kept that important fishing station for the English, been in position to watch ships going to Cape Breton and shut off food supplies for the latter from Nova Scotia. Such a ship and a brigantine from Louisburg failed to take Annapolis in October only because Indian rangers from Massachusetts had in the nick of time rendered it impracticable for Duvivier's land forces to cooperate.

Shirley, at once upon learning of the presence of the East India ships at Louisburg, appealed to Warren, commanding the English squadron at New York, to visit Annapolis "for its countenance;" but Warren said he would not be fit for sea until fall.[2] A month later, just after the visitation of Annapolis by sea from Louisburg, Mascarene appealed to Warren in a letter sent through Shirley's hands, a copy of which the latter sent home, pointing out the need for visits from a man-of-war to Annapolis, even if it were not to be stationed there, partly because all the supplies for the garrison then came from Massachusetts and a privateer off the

[1] Shirley to Admiralty, Nov. 14, 1744, *Ad.* I, 3817.

[2] *Ibid.*

coast could cut them off.[1] Nothing, however, served as sufficient inducement to Warren to cruise during that season in the Louisburg area. A visit from him would doubtless have been of service to the garrison at Annapolis. He could not, however, have hoped to measure strength with the squadron at Louisburg.

Shirley had relied largely upon the resources of Massachusetts not from choice but necessity; the same compulsion now turned his attention to means of bringing British naval power to bear upon the American war and particularly upon the core of it at Louisburg. At once upon hearing of the presence of the French fleet there and the supposed purpose to sail thence for France in late October or the middle of November, he sent notice of the facts to Newcastle and the admiralty by six different vessels. He hoped that an English fleet might be able to intercept and capture the Frenchmen. To increase the likelihood of English success in this he held the French packet boats sent with a flag of truce for exchange of prisoners "as long as I decently could," that is, till the beginning of November, on suspicion that the French prisoners would be used for these ships.[2]

At the same time he summarized the situation for the admiralty: an English ship was needed that fall to thwart the French in Nova Scotia; the officers at Annapolis believed that place would be attacked early in the spring; the French at Louisburg had all the year been apprehensive of an attack by an English expedition and were in great want of provisions; several storeships for Louisburg and Canada and many fishing and other craft had been taken by the New England vessels.[3] For further information he rec-

[1] Mascarene to Shirley, Oct. 22, 1744, *C. O.* 5 900, 143.

[2] Shirley to Newcastle, Sept. 22, 1744, *Sh. Cor.*, vol. i, pp. 145-148; Shirley to Admiralty, Sept. 22, 1744, *Ad.* I, 3817; Shirley to Newcastle, Dec. 8, 1744, *C. O.* 5 900, 138.

[3] The very modest statement made by Shirley here is supplemented

ommended the enclosed statements of Lieutenant Ryal and Ensign Bradstreet.[1] A few weeks later, on November 10th, Shirley had formed hopes that Lieutenant Ryal, who was soon to sail for England, "will be of considerable service to our part of the world, with the lords of admiralty and other parts of the ministry, from his particular knowledge of Louisburg, and of its harbor, and of the great consequences of the acquisition of Cape Breton and the keeping of Canso and Annapolis to his majesty's northern colonies."[2]

At the same time Shirley sent to Newcastle "an accurate plan of the harbor of Louisburg at Cape Breton taken by one Captain Harrison while a prisoner there as also a good plan of the island of Cape Breton and gut of Canso." He added: "For the explanation of both which Lieutenant Ryal, who . . . . is well acquainted both with the strength and weakness of all the fortifications there, as well on the land side as to the seaward, and goes home in this ship, may be useful if consulted upon it."[3]

by a Massachusetts man who had been a prisoner at Louisburg. He recounts the exploits of Capt. Rouse, the commander of the little Massachusetts squadron consisting at the time of a fourteen-gun ship with 100 men and another of nearly the same strength. With them Rouse, in August, 1744, made a descent upon Fishot, Cape Breton, and with the loss of but eighteen men, defeated and captured five vessels, carrying 450 men, including two eighteen-gun ships, and others carrying sixteen, fourteen and twelve guns, respectively. In addition he took a sixteen-gun ship at St. Julian's, ten ships and 306 men on the banks, retook a British ship which had been made a prize, burnt all the French houses and stores of seven different harbors, with four vessels and upwards of 800 fishing shallops, and all within a month. (Little, *The State of Trade in the Northern Colonies considered; with an account of their produce, and a particular description of Nova Scotia* [London, 1748], p. 79, note.) To realize the full import of this achievement it should be said that although the fact was not known to Rouse it was taking place while large French men-of-war were in the harbor of Louisburg only a few miles away.

[1] Shirley to Admiralty, Sept. 22, 1744, *Ad.* I, 3817.

[2] Shirley to Wentworth, Nov. 10, 1744, *Sh. Cor.*, vol. i, p. 152.

[3] Shirley to Newcastle, Nov. 9, 1744, *C. O.* 5 900, 135.

It is therefore clear that Shirley had hopes of interesting the home government in the taking of Louisburg, and in considerable measure through an English officer who had been a captive there. How far Lieutenant Ryal succeeded in interesting them in such a project does not appear.

The increased stress put by Shirley upon naval assistance from England after learning of the presence of the East India fleet and convoy at Louisburg, and his apparently greater confidence in securing it, were coincident with the creation of a substantial English interest in sending it. So long as the chief existing injury, however real, from the French at Louisburg, was to the American fishery it was a little difficult to arouse English ardor; but when East India ships, the natural prey of the home fleets, eluded capture by hiding at that port, the American fortress became to an extent a European issue.

Meanwhile the governor continued in October and November to impress upon the home government the need for naval support for Annapolis Royal, the fact that one thirty-gun ship was to winter at Louisburg, and the likelihood of an attack upon Annapolis. In the discouragement of the hour in which Annapolis was in the greatest danger, he proposed to manage the recapture of the place if lost, with the aid of 250 regulars from home and two forty-gun ships or one fifty-gun ship with some shells, if they should arrive by February. In that case a force which he could raise in Massachusetts and the neighboring governments would with this aid succeed in its recapture before any troops could be sent from France.[1]

On December 7th, Shirley received news of the sailing in the preceding month from Louisburg for France of a fleet

[1] Shirley to Newcastle, Oct. 21, 1744, *C. O.* 5 900, 132; Shirley to Newcastle, Nov. 9, 1744, *C. O.* 5 900, 135.

of fifty-four vessels, consisting of five heavily armed ships, one of thirty-six guns, seven of lighter armament, twenty-five ships "of little force," five snows, nine brigantines, and two schooners. Of particular interest to Shirley was the report from reliable witnesses who had been prisoners at Louisburg, that there had been taken with this flotilla three able pilots familiar with Cape Breton and adjacent coasts, for the purpose of piloting warships, transports and store-ships to reach those coasts by February or early in the spring, "with a design (as these declarants were credibly informed) to make a descent on Annapolis Royal and to cruize on the coasts of New England."[1]

Upon receipt of this interesting but not surprising information Shirley not only sent a copy of the deposition containing it to the admiralty by a fast ship, but hoping that the vessel might outsail the French fleet, sent also by the master of it four copies of that document addressed to any admirals, vice-admirals or commodores of any squadron of British ships who might be met on the way over. He added for the admiralty the observations that intercepting the French storeships, recruits, *etc.*, intended to reach Cape Breton in February would be a killing blow to the enemy as well as a protection to Annapolis Royal; that Louisburg was then ill-manned and the Swiss of the garrison very discontented, and that Duvivier, who had been the leader in all the attempts against Nova Scotia during the past year, had gone over to secure the aid expected for the next spring.[2]

Shirley wrote to the same effect to Newcastle, adding that since Louisburg was then very weak in troops and short of all sorts of stores, especially of provisions, if it could not

[1] Declaration under oath of Major Otis Little, Captain Joshua Loring, Captains Nathaniel and Thomas Donnel, all of his majesty's province of Massachusetts Bay in New England, Dec. 7, 1744, *C. O.* 5 900, 142.

[2] Shirley to Admiralty, Dec. 7, 1744, *Ad.* I, 3817.

be assisted from France before ships were sent from England to block up the harbor, it might be forced to surrender merely by distress by the end of summer. He added that he had credible information from persons knowing the harbor at Louisburg very well that six ships of war of from fifty to seventy guns, entering it with 1,500 to 2,000 troops to land at the same time and take the royal battery at the bottom of the bay or basin in the rear, might capture the place without much difficulty. An alternative plan was that a squadron of four ships, with some small tenders, should go close to the shore, seal up the harbor and force surrender by the end of the summer.

The governor suggested that without the conquest of Cape Breton by England there would be a conquest of Nova Scotia by France, with the danger of losing all the English continental colonies, and he intimated that promptness in action would probably be decisive.[1]

Shirley had no official assurances that aid would be sent from England, or in case it came that it would be sent in time. Nevertheless the project had been germinating rapidly at home. Kilby had been active in September and later in urging it upon the president of the privy council, Newcastle, and other members of the ministry, and it was regarded with sufficient favor to lead the Massachusetts agent "by every opportunity afterwards" to recommend "the attempt in my letters to New England, with the strongest assurances of their being supported from hence." Action by the ministry was deferred until January, however, when without sending troops, "orders were sent to Commodore Warren at Antigua to proceed with some of the king's ships from thence to Boston where the scheme was to be formed, and from thence put into execution."

This was decided upon at a season when news of the

[1] Shirley to Newcastle, Dec. 8, 1744, *C. O.* 5 900, 138.

action could not readily be sent to Boston, and Shirley therefore planned and acted somewhat in the dark.[1] He had, however, received in the fall of 1744, unofficial information (even more trustworthy than that which Kilby sent) from Mr. Stone, Newcastle's private secretary. Writing from Louisburg a year later Shirley acknowledged his letter, asserting of its contents that it "first signified to me the promise of support from the ministry, by means whereof I have now the pleasure of dating this letter from the citadel of Louisburg."[2] Since his information was not official he could not give assurances to the Massachusetts general court that aid would be given from home, but must present such arguments as would appeal to their minds as sufficient for undertaking the expedition alone.

If contrary to his expectations, no substantial force were sent from England the situation looked unpromising, for if reinforcements and supplies were thrown into Louisburg, and a substantial naval force were in its harbor it would be impregnable against any force which might be prepared in America to take it, and from it as a base the French might drive colonial commerce (especially that of New England), largely from the seas, pluck Nova Scotia like a ripe apple, and ravage the frontiers of the other English colonies by sea and land if not subdue them. The next campaign must be fought either in New England or in Cape Breton.

For a time the question which battleground should be chosen was left in the background and Shirley gave his attention to the problem of ways and means. To this subject he addressed himself in a letter to Governor Wentworth of New Hampshire on December 20th. In that he urged cooperation of the two provinces (suggested by the Massachusetts general assembly) in conducting the war and "that

[1] Kilby to Harrington, Apr. 22, 1745, *C. O.* 5 900, loose at end.

[2] Shirley to Stone, Nov. 13, 1745, *C. O.* 5 900, 280.

we should agree together as well concerning the measures to be pursued in the action of war, as the proportion of men which each province should furnish, and of the charge to be respectively borne by them." This he foresaw would tend to promote the service and benefit of both provinces. He urged prompt action and, if it were favorable, the naming of commissioners for New Hampshire, unless Wentworth chose to appear in person, "his majesty's service requiring us to act with the utmost vigour for the safety of his subjects in these provinces." [1]

Just at the end of the year the ordnance given to the province by the home government arrived,[2] and was used for the batteries recently provided on Governor's Island.

Returning early in January to the subject apparently uppermost in his thoughts, the governor, with a realization of the need of driving the emergency home to the ministry, once more stressed the necessity of protecting Annapolis very early in the spring from Great Britain by one of his majesty's ships, and informed Newcastle that he was just about to send Warren in the West Indies a statement of the same need. In conclusion he added: "If any opportunity of annoying the enemy's settlements from hence shall present itself to me, your Grace may depend upon the most indefatigable attention from me to improve it for his majesty's service." [3]

[1] Shirley to Wentworth, Dec. 20, 1744, *Sh. Cor.*, vol. i, pp. 154-155. The report of the joint committee of ways and means for meeting the expense of the war, which was accepted by both houses of the legislature, recommended that commissioners from Massachusetts be appointed under commission from the captain-general to treat with the governor of New Hampshire to secure cooperation in scouting on the frontiers of the two provinces, and in annoying their enemies on sea and land. *Jour.*, Dec. 13, 1744, p. 132.

[2] This consisted of twenty forty-two pounders and two mortars. Winsor, *Memorial History of Boston* (Boston, 1881), vol. ii, pp. 110-112 (note).

[3] Shirley to Newcastle, Jan. 5, 1745, *Sh. Cor.*, vol. i, pp. 158-159.

This last innocent-looking generality covered what must already have been a matured plan for the coming campaign. This became apparent through a message of the governor to the legislature four days later. On the preceding day he had informed them that the king would pay the troops at Annapolis from the time of their enlistment, and their subsistence after the first three months, that the men would be discharged upon the arrival of reinforcements from Great Britain and that their patriotism in providing for Annapolis had been praised at home. On that same day he had also told them that New Hampshire had been called upon to support Fort Dummer on pain of forfeiting the adjacent territory to Massachusetts.[1]

Meanwhile the province was still struggling with the financial problem. In response to suggestions from Shirley the legislature provided a guard ship of sufficient force to guard the coast against swarms of French privateers reported to be then in the West Indies (and which might soon be upon their coast) and undertook to maintain Fort Dummer until New Hampshire's answer to the order in council was known.[2] The house accompanied the vote for the former purpose, however, with a proviso that the funds be raised, if possible, without a tax on polls and estates, and followed this by proposing tonnage taxes on all Massachusetts shipping, foreign, intercolonial, coasting and fishing,

[1] *Jour.*, Jan. 8, 1745, pp. 165, 166.

[2] Shirley's message regarding a larger vessel for coast protection was sent January 4th, and is printed in *Am. Ant. Soc. Proc.*, n. s., vol. xiv, p. 274. Shirley had recently been covering the area of Fort Dummer by detailing fifty men for service above the New Hampshire line for scouting, and ten to be posted at Fort Dummer, out of those raised for the defense of the western frontier of Massachusetts. The assembly now provided for a garrison for three months, which provision Shirley expected would be extended later. Shirley to Newcastle, Jan. 9, 1745, *C. O.* 5, 901.

and also named a committee to investigate terms for borrowing money for the purpose.[1]

While these matters were being considered another financial expedient was coming to fruition. The committee of ways and means had reported on December 14th in favor of a government lottery for raising £7,500. This was passed by the two houses on January 8th, the day of Shirley's report of action indicating a benevolent attitude of the government at home toward the province, and was signed by the governor on January 9th.[2]

Shirley had then recently received notice of the permission granted him by special instruction to allow the emission of more than £30,000 of bills of credit annually for war purposes,[3] but had not yet had occasion to employ this freedom.

It appears from these measures that legislature and governor, in view of the heavy debt then upon the province, were agreed in a policy of avoiding if possible further direct taxes. Yet upon the day Shirley signed the lottery bill, he took advantage of the excellent humor which his statement of the previous day was calculated to produce, to lay before them a proposal which by its nature and the expense it must cause in its execution may well have surprised them.

The proposal was that Massachusetts capture Louisburg. At the time, although he had unofficial assurances of aid from England, he was unable to rely upon help from other colonies. It seemed eminently appropriate that the scheme should have been proposed on the day that a government lot-

[1] *Jour.*, Jan. 4, 1745, p. 160; Jan. 8, 1745, p. 165; Jan. 9, 1745, p. 167; Jan. 16, 1745, p. 175; Shirley to legislature, Jan. 4, 1745, *loc. cit.*, pp. 275-276.

[2] *Jour.*, Dec. 14, 1744, p. 135; Jan. 8, 1745, p. 166; *Ct. Recs.*, vol. xvii (4), p. 632; *A. and R.*, vol. iii, pp. 195-199, 219.

[3] Shirley to Newcastle, Jan. 9, 1745, *C. O.* 5 901.

tery was approved. Yet the gamble might be even more desperate if it were decided not to attempt the reduction of Louisburg. Shirley believed not unreasonably that the expense of holding Nova Scotia against the French while the latter held Louisburg would probably be as great as that of capturing and holding the fortress.[1] Moreover, unless the home government helped, Nova Scotia probably could not be held, and if it were lost, at least part of New England would likewise almost inevitably fall to the French. But a bold blow against Cape Breton, if successful, would remove all serious present danger to New England.

A little group of four or five men who were enthusiastic advocates of the attempt upon Cape Breton had communicated their views to Shirley and he worked with them in promoting the general scheme. Their chief spokesman was William Vaughan, of Damariscotta in Maine. Much abler but less vocal was Captain John Bradstreet, later highly commended by General Wolfe, the conqueror of Quebec.[2] Bradstreet had seen much at Louisburg as a prisoner and thought the time opportune for a blow. A third, Captain Joshua Loring, had also returned from captivity there with like views as to the practicability of its

[1] Shirley to Newcastle, Jan. 14, 1745, *Sh. Cor.*, vol. i, p. 163.

[2] Wolfe wrote in 1758: "There are in America three or four excellent men in their way. Bradstreet for the battoes and for expeditions is an extraordinary man." Wolfe to Lord Sackville, May 24, 1758, *His. Mss. Com.*, 9th rep., app. 3, p. 75.

A eulogy upon Bradstreet at his death declared that he "first distinguished himself in planning, and recommending to Lieutenant-General Shirley [Shirley held this rank many years later] the design, which was in 1745 executed with equal gallantry and success by the forces of New England, against Louis the XVth in the conquest of Louisbourg . . . ." (Rivington's New York Gazetteer, Sept. 29, 1774, quoted in *N. Y. H. S. Colls.*, pub. fund, vol. iii, p. 248.) Bradstreet's share in the councils of the group for promoting the Louisburg expedition was a prominent one.

capture. Their group included also a Mr. Kilby,[1] and perhaps a Mr. Vardy who was sufficiently in their confidence to place a private room at their disposal.[2]

William Vaughan was the first to propose the capture of the fortress by surprise. Belknap, the historian of New Hampshire, says of Vaughan that, "nothing being in his view impracticable," he "even proposed going over the walls in the winter on the drifts of snow."[3]

It is just to Mr. Vaughan to say that Governor Shirley made use of his proposals and his energy in supporting them to promote interest in and sentiment for the Louisburg expedition, and just to the governor to add that, since his mind was not only bold but also sane, he did not contemplate accomplishing a surprise by levying and equipping an army in January, transporting it and all its accessories over wintry seas, landing it upon the ice-bound shores of Cape Breton, and marching it through or over snow drifts deep enough to form an approach to the summit of walls thirty-six feet in height, all to be completed before the snows began to melt in the spring.[4] Without going to this length the

[1] Probably the Thomas Kilby later commended to the Duke of Newcastle for his "indefatigable pains in assisting me with intelligence, and every way forwarding and promoting the expedition in a most necessary manner, whilst it was forming . . ." Shirley to Newcastle, Nov. 6, 1745, *Sh. Cor.*, vol. i, p. 289.

[2] For the group and its activities, *cf.* Vaughan to Shirley, Jan. 14, 1745, Certificate by Shirley, Mar. 18, 1745, both in *C. O.* 5 753.

[3] Belknap, *The History of New Hampshire* . . . (Boston, 1813), vol. ii, p. 155. *Cf.* also, Hutchinson, *op. cit.*, vol. ii, p. 364.

[4] Four days after the expedition was approved by the general court Shirley referred to the plan which they had considered as "a rough, inaccurate and imperfect scheme which has been enquired into and approved of so far by the assembly as to induce 'em to make provision for my carrying on the expedition," and he added that, "whatever may come of the proposed surprise, upon which I have not the least dependance or expectation," he believed that essential success

expedition offered difficulties enough to satisfy the most romantic.

Shirley's message of January ninth upon the subject of the taking of Louisburg, while lacking literary finish, as most of his writings do, was trenchant and was addressed to the questions in which the general court would feel the deepest interest. After adverting to the extreme interference with the trade of Massachusetts in general, and the frequent captures of their provision ships and the destruction of their fishery from Louisburg, in particular, which must be expected while the existing war continued, he stated it as an axiomatic truth "that nothing would more effectually promote the interests of this province at this juncture than a reduction of that place."

could be won. (Shirley to Warren, Jan. 29, 1745, *Ad.* I, 3817.) This plan was perhaps suggested chiefly by Bradstreet, instead of Vaughan. Shirley said it was prepared by "a person perfectly well acquainted with the island and the harbor of Louisburg." (Shirley to Newcastle, Feb. 1, 1745, *C. O.* 5 900, 157.) Hutchinson's statement that Vaughan "had been a trader at Louisburg," (*Hist. of Mass.*, vol. ii, p. 364) suggests that the latter might have been possessed of personal knowledge of conditions at the great fortress. Vaughan's own testimony, however, makes it clear that this was not the case. He asserted that he left home in the winter of 1744-5, and traveled about Massachusetts and New Hampshire, "to enquire into the strength and circumstances of Louisburg, and the other French settlements on, or adjoining to the Island of Cape Breton," and that he "met with several intelligent men who had been prisoners there the summer before and were good pilots; from which he learnt the strength (or rather weakness) of the enemy . . . ." (Vaughan to the King, Nov., 1745, *Chatham Papers*, 95, *P. R. O.*) Vaughan, however, claimed credit for having digested the information he had secured "into a regular scheme." *Ibid.*

Again shortly afterward Shirley informed Newcastle "as to that part of the scheme, which is proposed for taking the town by surprise, so many circumstances must conspire to favour it, and so many accidents may defeat it, that I have no great dependance upon it, and shall guard as well as I can by orders against the hazard that must attend it." Shirley to Newcastle, Feb. 1, 1745, *C. O.* 5 900, 157.

He expressed confidence that each "gentleman's zeal for the welfare and prosperity of his country will sufficiently animate him to lay hold of any favourable opportunity for procuring so inestimable an advantage and benefit to it, without any arguments from me for that purpose." An opportunity to accomplish this end "seems now to present itself," and this he would make clear to them.

He then explained that according to the best information he could secure of the conditions in the town of Louisburg, of the number of soldiers and militia in it and of the situation of the harbor, he had good reason to believe that if two thousand men were landed upon the island as soon as they could be conveniently equipped and trained (the landing being, he was credibly informed, possible in the proper place with little or no risk),

such a number of men would, with the blessing of Divine Providence upon their enterprise, be masters of the field at all events, and not only possess themselves of their two most important batteries with ease, break upon their out settlements, destroy their cattle and magazines, ruine their fishery works, and lay the town in ruines, but might make themselves masters of the town and harbour.[1]

He continued:

It cannot be expected that I should enter here into a detail of the manner of executing such an attempt.[2] There are (I

[1] The copy of this document in the *Ct. Recs.*, uses the word "cattle," instead of "cable" as in *Sh. Cor.*

[2] William Vaughan afterward declared that about the 7th of January, 1745, his scheme was laid by Governor Shirley "before both houses of the general assembly then sitting; and a committee was chosen of both houses to consider the affair." (Vaughan to the King, Nov., 1745, *Chatham Ps*, 95.) The best inference which seems possible from the facts available is that Vaughan afterward claimed the authorship of a plan for taking Louisburg, which was the outgrowth of conferences of the group among whom Bradstreet was the most important figure,

doubt not) some gentlemen in your house who are in a great measure judges of the practicableness of the thing in general; which is sufficient at present; and as I am very desirous of embracing every opportunity for the service of the country, I would earnestly recommend it to you to make a suitable provision for the expenses of such an expedition, which, if it should succeed no further than with respect to laying open the enemies' harbour and destroying their out settlements and works, must greatly overpay the expence of it, by its consequences to this province, and if it should wholly succeed, it must bring an irreparable loss to the enemy and an invaluable acquisition for this country.[1]

Then followed two days of earnest debate in the assembly. The proposal was one which was already in the hearts of the people of the province, and especially in those of the fishermen,[2] but heretofore had seemed to many so impossible of realization as to furnish no foundation for the faith which confers substance upon things hoped for.

But the expedition was as yet an inert thing. The assembly could not breathe the breath of life into it, and answered the governor that while, "were it in any measure in the power of this province in conjunction with the other governments to effect so happy an event, we should chearfully engage in it," they considered the attempt too hazardous for the province alone to undertake. They then begged Shirley to convey to the king the danger in which Massachusetts and her neighbors lay because of the French occupation of Louisburg, and to "intreat his majesty's com-

and that Shirley having later presented this plan to the assembly, Vaughan claimed much credit for the governor's action and for the later success of the expedition. Vaughan laid the scheme before Shirley and Governor Wentworth of New Hampshire about Dec. 1, 1744. *Ibid.*

[1] *Ct. Recs.*, vol. xvii (4), pp. 630-631, printed in *Sh. Cor.*, vol. i, pp. 159-160.

[2] Shirley to Newcastle, Jan. 14, 1745, *Sh. Cor.*, vol. i, p. 161.

passionate regards to these his governments in reducing Cape Breton, and represent to his majesty the ready disposition of this province as far as they are able to exert themselves in conjunction with the other governments on such an occasion." [1]

Thus the assembly rejected the plan only as a proposal to attempt the capture single-handed and practically pledged their support of the expedition whenever the official news of the intent of the crown to support it should arrive. This vote also left the road open for reviving the matter even before the arrival of such news. Meanwhile Shirley supported their request for aid from home with a vigorous despatch to Newcastle. He again pointed out that the French at Louisburg were injuring the trade of the northern colonies, capturing provisions sent thence to the English West Indies, and breaking up the fishery; that in divers ways the port was of advantage to the French; [2] and since that fortress would be the key to the large future development in America under French or English control in a healthful country where future increase of population could hardly be limited, he urged the apparent necessity that the English control that place not only for the protection of Nova Scotia but also to safeguard British dominion in America.

He added that the fall of Nova Scotia would mean the loss of the eastern settlements of Massachusetts and probably those of New Hampshire, and would give the French such a hold upon the continent of North America as "might possibly in time make 'em think of disputing the mastery of it with the crown of Great Britain." He even suggested

[1] *Ct. Recs.*, vol. xvii (4), p. 639. This appeal appears with slight variations in Shirley to Newcastle, Jan. 14, 1745, *Sh. Cor.*, vol. i, p. 161; *C. O.* 5 900, 156.

[2] *Cf. supra*, pp. 220-221.

that the reduction of Louisburg "might seem almost of itself to be near an equivalent for the expense of a French war."

In conclusion he gave a picture of conditions at Louisburg favorable to its capture, stressing the scarcity of provisions, the small garrison, mutinous Swiss troops, a hill favorable to attack back of the town only partly levelled by the French, and declared the real willingness of Massachusetts to aid to the extent of her ability, in connection with neighboring governments.[1]

The matter, however, was not allowed to rest until the home government should act upon it, which would doubtless have been too late for results during that year. Mr. Vaughan assumed the role of chief sponsor for the plan. On the same day that Shirley wrote to Newcastle transmitting and indorsing the assembly's appeal for action by the home government, Mr. Vaughan made an effort to revive the project. He wrote Shirley of his efforts to get the group together with the intention of devising ways and means of overcoming the objections urged against the plan by the assembly, and if this seemed to be feasible, to send a memorial to the general court asking that it be revived. This course of action was contingent upon Shirley's approval. Mr. Vaughan, however, was in no doubt of the essential character of his trusteeship in the matter, observing: "All Englishmen, and all friends of Great Britain, by me now press Your Excellency to make one push more at this time in the affair; praying that men knowing in these affairs may be brought face to face before the opponents."[2] He avowed much public spirit and also professed ability to raise 1,000 men for the expedition, "if it be Your Excellency's pleasure to commit the conduct of the affair to myself." At the

[1] Shirley to Newcastle, Jan. 14, 1745, *Sh. Cor.*, vol. i, pp. 161-165.

[2] Vaughan to Shirley, Jan. 14, 1745, *C. O.* 5, 753.

same time he displayed a becoming freedom from egotism by adding: "If Your Excellency think proper to give the same to another (in case there is an opportunity) I am ready with the same diligence by day and night at my own expence to encourage men to act in the affair with the utmost vigour and then retire to my own private business." [1]

Apparently he thought Shirley satisfactorily equipped to carry out the undertaking if given proper suggestion and assistance.[2] Nevertheless he seems to have felt some slight uncertainty as to whether Shirley would display the qualities required.[3]

Following this it seems that Vaughan, who until this time seemed much like a prophet crying in the wilderness, went, with the governor's approval, to Marblehead, the chief fishery town of the province, and among the fishermen and other seamen received "encouragement to furnish vessels in fourteen days for 3,500 men." More than 100 citizens of Marblehead having signed a petition for reviving the scheme for the expedition, he presented this to the general court on January 19th, and another signed by more than 200 principal gentlemen in Boston, merchants and traders, for the same purpose was presented on January 23d.[4]

[1] *Ibid.* Vaughan's zeal for the expedition may have arisen partly from the fact that he had large property holdings in the region of the Kennebec which were likely to fall into French hands if Louisburg were not taken. Vaughan to the King, Nov., 1745, *Chatham Ps.*, 95.

[2] "I do assure Your Excellency that I should be exceedingly pleased if Your Excellency could be the means of effecting this great work, which must be the greatest honour and establishment to yourself . . ." *Ibid.*

[3] He continued: "but at the same time if it can't be brought to pass here, I purpose to proceed further westward . . . where I doubt not of success." *Ibid.*

[4] *Ibid.*, a memorandum attached; Shirley to Newcastle, Feb. 1, 1745, *C. O.* 5 900, 157; *Ct. Recs.*, vol. xvii (4), pp. 649-650, 656-657; Johnson, *A Boston Merchant of 1745: or Incidents in the Life of James Gibson, volunteer at the Expedition to Louisburg; with a Journal of that*

The first of these petitions, for which Vaughan seems to have been largely responsible for securing signers, was accompanied by a brief message from Shirley. In it he said he was informed that the spirit which appeared in the petition "prevails all over the maritime parts of the province." He therefore recommended, in spite of the recent unfavorable action upon the proposition, "inasmuch as a particular scheme for effecting the enterprise therein mentioned is proposed by some gentlemen (as the petitioners suggest)" that the general court "give those gentlemen an hearing by a committee of both houses, or otherwise, as you shall judge most proper, upon the practicableness of that particular proposal, and to determine upon it according as it shall appear to you upon the inquiry." [1]

This was followed by secret sessions of the two houses as the question which seemed to involve the fate of the province was discussed. The public were not supposed to have an inkling of even the subject under discussion, but it is reported that one pious member, forgetting his family in the presence of his God, published the secret unawares.[2]

On the same day with the foregoing Shirley sent a longer message, arguing that, even though it should not prove possible to take Louisburg by surprise (as the plan presented proposed), such an expedition could still be a success. He expressed his belief that such a force of men as could be raised in Massachusetts, supported by the artillery

*Siege, never before published in this country* (Boston, 1847), pp. 16-17. It is recorded that while the question remained in the balance Shirley, meeting a merchant of Boston on the street and finding him favorable to the expedition, set him at the task of securing the signatures of the 200 Boston merchants who joined in the petition asking that it be revived. This petition was hastily prepared and was the one presented to the general court on the twenty-third. *Ibid.*

[1] *Ct. Recs.*, vol. xvii (4), p. 649.

[2] Johnson, *op. cit.*, pp. 15-16; Hutchinson, *op. cit.*, vol. ii, pp. 365-366; Belknap, *op. cit.*, vol. ii, p. 155.

that could be sent with them, could at least remain "masters of the field" against not only the garrison, but any reinforcements which might be expected from France, if the latter succeeded in landing despite such a naval force as could be sent from the province. He thought that the hope of a successful surprise need not be abandoned. In case it were not successful, however, the place might be invested until a naval force and troops from England sufficient to complete the reduction of the island could arrive, as he believed they undoubtedly would if prompt news of the expedition were sent home. Shirley, meanwhile, would use every means of notifying the ministry and the commanders of English squadrons in America, "from some or others of whom also we might probably have some naval force seasonably sent for our assistance upon such an occasion." He therefore recommended "in the strongest terms, to lay hold on the present favorable opportunity, which Providence seems to have put into our hands, of securing to the province, by the single reduction of Cape Breton, every advantage which can contribute to its prosperity both by land and sea, and for embracing which opportunity, so general a spirit in the people seems happily to be raised."

Upon the score of expense he felt sure that in view of the benefits to their neighbors and Great Britain herself by its conquest, the home government would not allow Massachusetts to "finally bear more than its just and reasonable proportion of the burthen." Moreover, he would make applications to the adjacent governments for assistance by land and sea, and Massachusetts, he believed, "might reasonably depend upon their furnishing their respective quotas towards this enterprise; in the success of which the interest and welfare of their provinces and colonies are likewise very nearly concerned as well as that of this province." [1]

[1] *Ct. Recs.*, vol. xvii (4), p. 656.

Thus Shirley at last presented the plan to the assembly, unable to promise specifically the aid he expected from home, but giving reason for supposing it would be sent. It seems not unlikely that faith in the governor's integrity and judgment in giving so strong grounds for hoping for such assistance had a larger influence upon the minds of the legislators than the expectation of taking Louisburg by surprise.

The committee of the two houses upon the affair gave a critical hearing continuing for several days to two gentlemen who had been prisoners at Louisburg (perhaps Bradstreet and Loring) and to many others who had been traders or prisoners there and knew it both in peace and war, some of whom had come from there at the beginning of the winter, and had a good knowledge of the place.[1] Their testimony was, that there were not over five or six hundred regular troops in the garrison and not over three or four hundred fighting men among the inhabitants, that they had only a small stock of provisions, that there were no vessels of force in the harbor and "that the place is at this time less capable of being defended against an attack than it is probable it will ever be hereafter."

Meanwhile, Shirley left the representatives wholly unembarrassed by importunity on his part, and they devoted themselves to a discussion on the merits of the proposal.[2] The committee after three days' deliberation formed the "opinion that it is incumbent upon this government to embrace this favorable opportunity to attempt the reduction thereof."[3] When a vote was finally taken on January 25th,

[1] William Vaughan appeared to inform the committee of the facts which he had collected. Certificate by Shirley, Mar. 18, 1745, *C. O.* 5 753.

[2] Hutchinson, *op. cit.*, vol. ii, p. 368.

[3] Report of joint committee on Louisburg expedition, *Ct. Recs.*, vol. xvii (4), pp. 657-659, printed in *Sh. Cor.*, vol. i, pp. 169-170, and *Pennsylvania Archives* (Philadelphia, 1852-1856 and Harrisburg, 1874-1919), vol. i, p. 666; Shirley to Newcastle, Feb. 1, 1745, *C. O.* 5 900, 157.

on the adoption of the committee's report, the result was "a chearfull and almost unanimous resolution of the court to undertake this important business in such manner, as is particularly expressed in the report of the committee accepted by the whole court which I herewith enclose." [1]

Thus by the joint efforts of the governor and a group of enthusiastic assistants, of whom William Vaughan was most in the public eye, was the Louisburg expedition given birth.[2]

[1] Shirley to Law, Jan. 29, 1745 (circular letter to all governors as far as Pennsylvania), *Conn. H. S. Colls.*, vol. xi, p. 254, *Sh. Cor.*, vol. i, pp. 171-172.

Hutchinson, however, asserts that after the petition of the merchants concerned in the fisheries revived the affair, "a second committee, appointed upon this petition, reported in favour of it, and the 26th of January their report came before the house, who spent the day in debating it, and at night a vote was carried in favour of it by a majority of one voice only." (Hutchinson, *op. cit.*, vol. ii, p. 368.) Shirley's contemporary statement in a circular letter to the other governments as far south as Pennsylvania which would be likely to be given wide publicity at the time seems to be in conflict with the record made by Hutchinson many years after, perhaps from memory, since the house apparently made no record of its votes on measures acted upon by it. Shirley would naturally desire to make the prospects for the expedition seem as favorable as possible; but it seems doubtful if the governor, were he inclined to abandon his accustomed veracity, would do so in a document so likely to at once confound him before the public.

Belknap (*op. cit.*, vol. ii, p. 155) asserts further, without quoting a source, that the action on the matter was taken "in the absence of several members who were known to be against it;" a condition at which Hutchinson's narrative does not hint.

[2] William Vaughan, after taking an honorable part in the expedition, although his suggestion that he be given chief command of it was not adopted, sought vigorously to secure recognition at home for his indefatigable services to promote it. In doing so he seems to have believed that he was not fairly treated by the governor and by the commander-in-chief, both of whom, historians have intimated, were actuated by jealousy of the irrepressible Mr. Vaughan and his leading part in the affair. This charge so far as Shirley was concerned seems not

to be supported by the governor's letter to Pepperrell on Mar. 23, 1745, in which he speaks of him (Vaughan) very appreciatively and kindly (6-*Mass. H. S. Colls.*, vol. x, pp. 120-124, *Sh. Cor.*, vol. i, p. 195, note), nor by a certificate by Shirley of Mar. 18, 1745, in which he testified that "William Vaughan of Damariscotta . . . was very instrumental in setting on foot the present expedition against the French settlements on Cape Breton," with a considerable catalogue of later services in connection with the expedition. Certificate of Shirley, Mar. 18, 1745, *Ar.* Secretary's Book of Powers of Attorney . . . , p. 284, copy in *C. O.* 5 753.

Vaughan, while in England, sought as a reward for his services the positions which had been held by General Phillips, as governor of Nova Scotia and colonel of the regiment stationed at Annapolis, but becoming doubtful of his success finally begged Newcastle "if I am thought unequal to the services I offer to undertake [for the settling of Nova Scotia with Protestants], I pray your Grace's favour that I may have a sum of money for my services and expenses, and be permitted to return home to my private affairs, that the world may no longer say that I was first in this affair, and the last in consideration." Vaughan to Newcastle, Feb. 28, 1746, *C. O.* 5 753.

Vaughan was undoubtedly useful in bringing public opinion to bear, and he was a brave soldier who served gallantly as a volunteer, but the feature of surprise which he so earnestly urged was impracticable (as Shirley realized) and no judicious historian is likely to accept him at his own valuation.

Information regarding Vaughan's share in the expedition in addition to the other material already quoted is found in certificates from Governor Wentworth of New Hampshire, General Pepperrell (June 21, 1745), and Captain David Wooster (Oct. 25, 1745), all in *C. O.* 5 753. For a plea on his behalf *cf.* Goold, "Col. Wm. Vaughan of Matinicus and Damariscotta" in *Me. H. S. Colls.*, vol. viii, pp. 302-313.

The vote to undertake the expedition is found in *Ct. Recs.*, vol. xvii (4), p. 659, printed in *Sh. Cor.*, vol. i, pp. 169-170.

## CHAPTER XII

### LOUISBURG—PREPARATIONS

THE vote of the general court on January 25th fixed the main features of the expedition. The governor was asked to raise 3,000 volunteers and officer them. Each soldier enlisting was to be paid twenty-five shillings per month and to receive a blanket, one month's pay in advance, and his share of all plunder. Pledges were made for the securing of necessary warlike stores for the expedition, and for four months' provisions. A committee was to be appointed to procure and fit out vessels to serve as transports, ready to depart by the beginning of March (a scant five weeks away). A suitable naval force was to be provided by the general court to serve as a convoy. It was also voted "that application be forthwith made to the governments of New York, the Jerseys, Pennsylvania, New Hampshire, Connecticut and Rhode Island to furnish their respective quotas of men and vessels to accompany or follow the forces of this province." [1]

While the government of Massachusetts was agog with the splendid dream of Louisburg *captam,* the home government in critical mood rejected a petition from them that the province be supplied at the expense of the crown with small arms.[2] However, the situation in England was quite as encouraging for Shirley's plans as could be expected.

[1] *Sh. Cor.,* vol. i, p. 170.

[2] The home government recalled that the small quantity of small arms and powder sent in 1704 had not been paid for until the province

Shirley's energy on behalf of Nova Scotia and the other English American colonies had been extended to London through Christopher Kilby, the Massachusetts agent there. Mr. Kilby late in November, 1744, petitioned the crown for two or three small cruising ships "to attempt the passage to New England (which though difficult is not impracticable) it being absolutely necessary that one of them [more being asked for fear of accidents] should appear at Annapolis before the French ships from Europe arrive at Cape Breton and that a sufficient force may be appointed and sent forward as early as possible the next year to cover and protect your majesty's colonies in North America, or to attack the French in theirs, which may be prosecuted with the utmost prospect of success."[1]

Before this had been acted upon, Newcastle had written to Shirley that for protecting Annapolis, which was likely to be attacked early in the spring, it had been decided "to employ such a strength of ships of war in those seas under the command of Commodore Warren as may be sufficient to protect the said province and the other neighboring colony's in North America, and the trade and fishery of his majesty's subjects in those parts and may also as occasion shall offer, attack and distress the enemy in their settlements, and annoy their fishery and commerce." In carrying out this program Shirley was directed, in case Warren applied to him for assistance in the form of men, provisions or shipping, to aid and assist him in the most effectual manner in accordance with plans to be worked out by consultation between them, and to be ready to "concert and advise" with

was compelled to do so in order to secure the supply of ordnance recently donated to them, and they declined to establish a precedent for supplying with firearms all the American colonies who should plead poverty. Order in Council, Jan. 10, 1745, *C. O.* 5 885, 115, Ff, 75.

[1] Order in Cl., Feb. 7, 1745, *C. O.* 5 885, 119, Ff, 76; *A. P. C.*, vol. iii, p. 790.

him in regard to all questions that might arise in connection with his service, and especially to inform him as fully as possible of "the state and condition of the enemy's settlements and of the ships in their harbours, that he may be enabled to judge whether it may be practicable and advisable to make an attempt upon any of the ports."[1] On January 8th, Kilby's petition was referred to the admiralty, who reported that they had "given directions for a ship of war of forty-four guns to proceed to Annapolis Royal in Nova Scotia with recruits on board for the regiment there and also to convoy there three other ships bound to Piscataqua in New Hampshire, Boston in New England, and St. Johns in Newfoundland," with cannon and ordnance stores for the defense of those places, "which ship would have proceeded on her voyage before now, had not her sailing been deferred till the beginning of February at the particular desire of Mr. Kilby, the aforementioned agent, and other merchants concerned in the ships going thither." They added that they had under consideration sending out a proper force as early as possible, "which we hope will be sufficient not only to cover and protect his majesty's colonies in North America but even to annoy the enemy as occasion may offer."[2]

Thus despite a *faux pas* of Mr. Kilby, which apparently did not ingratiate him with the authorities at home, the assistance which Shirley had asked and expected was being prepared, if somewhat tardily, for the coming American campaign. Meanwhile Shirley was planning for a campaign into which it would fit when it might arrive, and which could sustain itself until it did arrive.

Shirley upon his part lost no time in taking steps to assure

[1] Newcastle to Shirley, Jan. 3, 1745, *Sh. Cor.*, vol. i, pp. 155-156.

[2] Order in Cl., Feb 7, 1745, *C. O.* 5 885, 119, Ff, 76; *A. P. C.*, vol. iii, pp. 790, 791.

so far as possible the cooperation of British naval and other forces—not only hypothetical ones from England but those actually in the American area. To this end he wrote to Commodore Warren in the West Indies explaining the plans for the expedition, the conditions at Cape Breton and the popular enthusiasm in New England. He added that he hoped to have 3,000 men raised in Massachusetts by the beginning of March, and to have them landed at Cape Breton soon after. Further as a means of preventing news of the expedition from reaching the French and of securing transports and seamen for the fleet promptly he had at once laid an embargo upon all shipping for thirty days. He then expressed confidence that the land forces to be raised in Massachusetts and in the neighboring governments to whom he should apply for aid "will be supported by the utmost naval force which you sir can possibly spare out of his majesty's ships under your command," pointing out that upon such assistance the success of the undertaking greatly depended. Shirley then explained that he had been much encouraged in undertaking it by the hope of receiving aid from him, adding: "If the service in which you are engaged would permit you to come yourself and take upon you the command of the expedition, it would I doubt not be a most happy event for his majesty's service and your own honour."

Apropos of naval possibilities at Louisburg Shirley informed Warren that "nothing can probably prevent our troops from making themselves masters of the royal battery which is the most galling battery in the harbor," and that by information of Captain Durell, two forty-gun ships, especially if assisted by a bomb vessel, could silence the island battery and thus leave the harbor practically open to the fleet.

Shirley stressed as the most essential condition for the

success of the expedition the presence of a sufficient naval force before the harbor of Louisburg before the middle of March at the farthest,

not only to intercept the enemy's provision vessels but M. Duvivier who is expected by that time with recruits and supplies for the garrison, and perhaps some troops designed against Annapolis Royal under convoy of a fifty-four and sixty-gun ship—intercepting of which last would be a killing blow indeed to the town and garrison of Louisburg, and soon decide the affair between us and the enemy. But it will be impossible for us to muster up here a sufficient naval force for that purpose without the assistance of two fifty or forty-gun ships, which would secure the point; and I hope if you can possibly spare 'em that you will instantly despatch 'em away upon receipt of this, but if it is impracticable for you to spare two, let us have one, and perhaps we may possibly do with that, as I hope one if not two of his majesty's ships may arrive here with stores for New Hampshire and Annapolis Royal, and with recruits for the latter by the middle of March, but there is no absolute dependance to be made upon it.

He explained that he was hopeful of assistance from Captain Gayton (then at Boston in command of a prize taken from the French, who was to take a load of masts for Admiral Knowles in June but was meanwhile at liberty), and of Warren's approval of his giving it. He expected further to secure three twenty-gun privateers, the province snow, the Rhode Island and Connecticut sloops, and as many cruisers in addition as possible from the New York, Pennsylvania and Rhode Island governments. Also he was sending an appeal for aid to Virginia where he had heard there were stationed two English ships of forty and twenty guns, respectively. In this connection he begged Warren to send orders to them to proceed directly to his aid. He suggested that Warren's vessels proceed to Canso, which was to be the rendezvous, where a detachment of troops and information would be found.

He added that he was to send an account of the expedition home on the morrow and that he was

in hopes we may have assistance from England by the latter end of May or June, but as that will be too late for the success of the expedition we entirely rely upon you to send us instantly what ships you can spare, and if you should come in time to be there before the arrival of the recruits and stores from Old France, it would so far secure the point, as that if you follow soon with your other ships I am persuaded you must take the place before May is over without any other help than the ships you will find before the harbour; and if we should fail of that success, we might I think depend upon such a reinforcement from home by June as would certainly carry the place, but I doubt not of its being carryd before, if you come yourself.

He then interpreted the meaning of success as being the salvation of Nova Scotia and the downfall of Canada, "which would secure his majesty the whole northern continent, gaining the whole fishery exclusive of the French, increasing greatly the nursery of seamen for the royal navy, and securing the navigation of Great Britain to and from her northern colonies as far as Virginia, as which would be an equivalent for the expence of a French war let the contingencies of it in Europe be what they will, and I hope the procuring of these invaluable benefits to his majesty's British dominions is reserved for you."

To insure the safety of vessels that might be sent he despatched two pilots with his letter and begged an early reply by the vessel that bore them. Finally, that any ships sent might be known by the land forces upon their approach to Canso or Louisburg, he suggested a signal to be flown for that purpose.[1]

[1] For the above exposition of Shirley's plans, *cf.* Shirley to Warren, Jan. 29, 1745, *Ad.* I, 3817; Shirley to Newcastle, Feb. 1, 1745, *C. O.* 5 900, 157.

Shirley's vision of a wholly British North America as far as the Spanish settlements was but a prophecy of the dream which Pitt made real to the British nation a decade later. However, when Shirley propounded it, it was much less difficult of realization than when Pitt found it necessary to arouse every energy of the mother country to bring it to pass. In 1745 Louisburg was easily vulnerable, and in the succeeding years of the war Canada was weakly garrisoned and incapable of large or sustained effort. No formidable attacks upon the English colonies occurred during its duration. In the days of Pitt's activity, however, Canada's strength had been considerably increased, and a new frontier had been created to the southwest along the Alleghanies. The increased vigor of the French appeared in the disasters to the English at Oswego, under Braddock, at Fort William Henry and at Ticonderoga.

In apprising Newcastle of the venture, Shirley announced that he was already carrying the scheme into execution, and hoped to have the forces ready to embark with a train of artillery by the middle of March. This force he assured Newcastle could not fail of taking Louisburg, if the neighboring governments gave aid and if an adequate naval force could be gotten before the town in time to prevent its being relieved from France. Even if the Massachusetts troops were forced to act alone, they would be able to win a complete success should they have proper naval support. He was able to report as already available a 400-ton ship of twenty guns and the province snow of sixteen guns, while he had a prospect of securing a twenty-gun ship and a twelve-gun sloop from Rhode Island and a twelve-gun sloop from Connecticut.

He added that if he could have the aid of the *Eltham* (Captain Durell) of forty guns, Rippon's prize of twenty guns and the "*Bien Ami*" prize (Captain Gayton) of

thirty-four guns, then all at Boston, they in combination with the smaller craft available would probably be stronger than the French convoy expected at Louisburg. But the first must presently convoy four mast ships to England, and the second was under orders to convoy a mast ship to the West Indies. The third had a like commission but could not execute it before June, and therefore Shirley hoped he and the assembly would succeed in engaging its services for the expedition meanwhile.

He had been informed that ordnance stores for Annapolis and New Hampshire were expected soon, and likewise recruits for Annapolis, and that the admiralty planned to send guard ships to protect the New England coasts and fishery. He therefore hoped one or more of his majesty's ships would arrive from Great Britain and join the expedition in time to intercept recruits and supplies intended for Louisburg. Moreover he had sent a packet boat express to Warren which might reach him before the middle of February.[1]

In addition to his hopes of assistance from Warren he reported his application to the governments of New York, New Jersey and Pennsylvania for some privateer cruisers, and to the commanders of British ships stationed at Virginia and South Carolina for assistance, from any of which sources aid might arrive in time. Thus he made clear the means by which he hoped to bottle up Louisburg.

He sent the rough draft of a plan for the capture of the fortress, apparently the one which the assembly had acted upon,[2] with an explanation of its limitations. He then

[1] Warren's squadron was stationed at Antigua.

[2] This is without doubt the plan published in *Sh. Cor.*, vol. i, pp. 173-177; *N. H. Pr. Ps.*, vol. v, pp. 273-274; *New Jersey Historical Society Collections*, vol. iv, pp. 211-213. Shirley also sent a copy of it to Admiral Warren and probably to all the governors who were asked to aid the expedition.

outlined his own plan as follows: The transports should go from Boston to Canso, which was to be taken and held. The main expedition was then to proceed to "Gabarouse" or Chapeaurouge bay, about twenty leagues from Canso and two hours' march from either the town of Louisburg or the royal battery, one of the chief protections of the bay. The royal battery, usually weakly garrisoned and unprovided with facilities for defense on the land side, and therefore "capable of being suddenly taken," was to be assaulted by a party of 500 men "by the help of a fascine way and a few scaling ladders without any cannon." In case of failure in this attempt the battery was to be destroyed with ease and safety from a hill behind it. The position thus gained should, if tenable, be used against the town, against which also the artillery brought with them should be put into play from a hill about a half-mile distant from the fortress. In any case the royal battery was to be made useless for the defense of the harbor against an English fleet, and if it contributed nothing to the fall of the town, the blockading fleet, if strong enough, would soon compel a surrender.

If the town should be relieved, he hoped the land forces might hold their own (especially since he had at the moment been assured of aid from New Hampshire and Rhode Island, and the expedition would probably be aided by Connecticut) until the king should have time to send "some battering ships able to enter the harbor and such a number of marines or other troops as he shall think proper." Meanwhile the American forces would be able to destroy the outlying settlements, the cattle, magazines, fishing houses, stages, shallops and boats, "which would most especially break up the fishery of the island for one or two years at least."

In case of any unforeseen necessity of leaving Cape Breton before the arrival of English ships and troops, he

proposed to withdraw the forces to Canso and encamp until they received advice from England whether reinforcements were coming to their aid. If in that case aid were not sent the damage already outlined to Louisburg and its neighborhood would have been accomplished. Nova Scotia would be secured against invasion so long as the troops remained at Canso, and a blockhouse and battery would have been erected at the latter place to insure its reoccupation until the pleasure of the crown regarding it should be known.

Having explained the value of Canso and plans recently made by the ordnance board to strengthen its fortifications, he added that Massachusetts would be unwilling to maintain a garrison there or to pay for resettling it " when they begin to perceive my intention in erecting the blockhouse upon it."

The sudden enthusiasm in Massachusetts, he explained, was partly due to the opportunity to strike Louisburg while it was weak, which led to sudden preparations, as the advantage which surprise would give would probably be lost by more formal preparation for an expedition, " all which circumstances had so promising an aspect that I could not avoid complying with the general spirit of the people to lay hold on so favorable an opportunity against the enemy."

Finally he asked prompt directions in case Louisburg were taken before English forces arrived, whether to keep or demolish it.[1]

Meanwhile Shirley was carrying forward with great energy the preparations for that part of the expedition which could be executed without action at home or by the commanders of British naval forces. By January 29th, a circular letter had been drawn up by the secretary of the province and was within two days thereafter despatched to all the governors as far south as Pennsylvania.[2] This

[1] For the above outline of his plans and the progress he had made in realizing them, *cf.* Shirley to Newcastle, Feb. 1, 1745, *C. O.* 5 900, 157.

[2] Shirley to Law, Jan. 29, 1745, *Conn. H. S. Colls.*, vol. xi, pp. 253-255.

document stated the action taken by Massachusetts, the strong public sentiment there for the attempt, and the "full confidence and expectation that all his majesty's governments in North America, who are concerned in duty and interest as well as we, will readily join with us. . . ." The burdens already borne by Massachusetts at Annapolis were set forth, and each governor addressed was urged to secure full participation by his colony by both land and sea and as promptly as possible. Shirley explained in the circular that the plan was one he had proposed to and earnestly urged upon the ministry at home "before I had any thought of the thing's being attempted in this way," that he would now write pressingly to both the ministry at home and commanders of British naval forces in American waters "to send a naval force to meet us and support us in our design." Meanwhile, he stated, he had "ordered an embargo of all vessells whatsoever," and had "siezed all French men among us and have endeavored to have them kept under such safe custody as to prevent them from sending any intelligence,"—measures which "will be necessary (as I apprehend) in your government." [1]

Shirley's embargo, however, was not wholly effective in suppressing news of the enterprise, as the master of a sloop who succeeded in escaping either before or in spite of the restrictions, published in Pennsylvania the interesting developments a week before Shirley's letter to Governor Thomas was received there.[2] Shortly afterward Governor Morris of New Jersey reported the probability that the facts then known everywhere in the middle colonies would reach the French in Canada by way of Albany.[3]

[1] Circular letter (Shirley to Law, Jan. 29, 1745), *loc. cit.*

[2] Thomas to Morris, Feb. 12, 1745, *N. J. H. S. Colls.*, vol. iv, p. 231.

[3] Morris to Shirley, Feb. 22, 1745, *ibid.*, p. 233.

In addition to the circular, Shirley wrote personally to the several governors to urge special considerations upon them. In the case of Rhode Island he stressed the exposed situation of the colony upon the sea and the inducement to the French to visit it in retaliation for the activity of its privateers. The messengers by whom this message was sent were charged to explain to Governor Greene the great need for having a naval force before Louisburg by the middle of March, to which force he hoped Rhode Island would contribute. He further asked for heavy artillery of which "we have not sufficient in our Castle."[1]

The request to Rhode Island was followed by a vote to fit out that colony's sloop to join the forces before Louisburg.[2] After Connecticut had voted to enter heartily into the expedition,[3] her smaller neighbor voted to raise 150 men for land service.[4] The men, however, were not then raised.[5] Later Shirley sent an appeal for aid to a former Rhode Island client, Godfrey Malbone, offering to secure pay from Massachusetts for 500 men if they were raised in that colony. The Rhode Island assembly then voted to allow three persons to enlist men to total not more than 500 for the Cape Breton expedition, and to be reimbursed their necessary expense incurred in doing so.[6] This brought no

[1] Shirley to Greene, Jan. 29, 1745, *Records of the Colony of Rhode Island and Providence Plantations, in New England* (Providence, 1856-1865), vol. v, p. 74, *Sh. Cor.*, vol. i, pp. 172-173, *Cor. Col. Govs. of R. I.*, vol. i, pp. 298-299. *Cf.* also, Shirley to Morris, Jan. 29, 1745, and enclosures sent through Morris to governors Thomas of Pennsylvania and Gooch of Virginia, *N. J. H. S. Colls.*, vol. iv, pp. 209-211.

[2] *R. I. Col. Recs.*, vol. v, p. 100.

[3] *The Public Records of the Colony of Connecticut* [1636-1776] (Hartford, 1850-1890), Feb. 26-29, 1745, vol. ix, pp. 83-89.

[4] *R. I. Col. Recs.*, vol. v, pp. 102-103.

[5] Shirley to Newcastle, Mar. 27, 1745, *Sh. Cor.*, vol. i, p. 196.

[6] *R. I. Col. Recs.*, vol. v, pp. 105-106.

useful results, however, and the preparing of the colony sloop was a pretense. In fact Rhode Island not only did nothing actively for the expedition, but Shirley intimated that her embargo to keep information from the enemy was not enforced.[1] In May the assembly again voted to raise 150 men,[2] but they were not ready for service until after the siege was over.[3]

Finally, after two applications by Shirley for seamen to man a prize taken at Louisburg, Rhode Island voted a bounty to secure the enlistment of 200 seamen for that purpose.[4] Shirley also applied at the same time for the same purpose to New York and New Hampshire, and soon after suggested the need to Connecticut, but with emphasis to Rhode Island.[5]

The governors of the provinces southwest of New England as far as Pennsylvania, were cordial in their attitude toward the proposed expedition and sent assurances that they would use their most hearty endeavors to secure support for it from their respective governments.[6] In the case of Governor Clinton of New York, although he secured no

[1] Shirley to Newcastle, Mar. 27, 1745, *Sh. Cor.*, vol. i, p. 196.

[2] *R. I. Col. Recs.*, vol. v, p. 114.

[3] Rhode Island remained a trial to Shirley throughout the struggle for Louisburg. The ancient stronghold of spiritual and other liberty served as a hiding-place for men who had fled from Massachusetts after impressment whether for service for protection of the frontiers, or in the expedition. Shirley to Wanton, June 6, 1745, *R. I. Col. Recs.*, vol. v, p. 136; *Sh. Cor.*, vol. i, pp. 227-228, and note 3.

[4] Shirley to Wanton, June 6, 1745, *R. I. Col. Recs.*, vol. v, p. 136; *ibid.*, June 18, 1745, p. 118.

[5] Shirley to Newcastle, June 1, 1745, *C. O.* 5 900, 188; Shirley to Law, June 15, 1745, *Conn. H. S. Colls.*, vol. xi, pp. 302-304; *Sh. Cor.*, vol. i, p. 229.

[6] Shirley to General Court, Apr. 3, 1745, *Ct. Recs.*, vol. xvii (4), pp. 713-719; Morris to Shirley, Feb. 20, 1745, and Thomas to Morris, Feb. 12, 1745, *N. J. H. S. Colls.*, vol. iv, pp. 231-232.

aid from his assembly he promptly furnished on request "a considerable train of artillery" to be used against the defenses of Louisburg.[1] This consisted of ten eighteen pounders.[2] Clinton also sent provisions for the support of the expedition.[3]

Governor Morris of New Jersey regretted to inform Shirley that the Quaker influences in both Pennsylvania and New Jersey gave little hope that the enterprise would be supported in that quarter.[4] His forecast was correct in both instances. However, upon a later application by Shirley to New Jersey for aid, with the statement that the king had given his support to the expedition,[5] the assembly unanimously voted to transfer £2,000 held in the treasury for other purposes, to a fund for the purchase of provisions for the expedition.[6] This was enacted into law June 1st.[7] Governor Morris explained that this unexpected action did not arise from interest in the expedition, but from a desire to empty the treasury and create grounds for demanding an issue of £40,000 in bills of credit.[8]

Governor Thomas of Pennsylvania combined with his cordial good-will and pledges to urge the matter upon the assembly the candid opinion that dependence upon aid outside of New England of the varieties to which Shirley had referred would be "very wild."[9]

[1] *Ct. Recs.*, vol. xvii (4), pp. 713-719.

[2] Hutchinson, *op. cit.*, vol. ii, p. 371.

[3] Catherwood to Morris, June 16, 1745, *N. J. H. S. Colls.*, vol. iv, p. 252.

[4] Morris to Shirley, Feb. 20, 1745, *ibid.*, pp. 231-232.

[5] Shirley to Morris, May 18, 1745, *ibid.*, pp. 241-242.

[6] Morris to Shirley, May 24, 1745, *ibid.*, pp. 247-248.

[7] *Ibid.*, p. 249.

[8] Morris to Shirley, June 21, 1745, *ibid.*, p. 253; Morris to Phips, Sept. 2, 1745, *ibid.*, p. 267.

[9] Thomas to Morris, Feb. 12, 1745, *ibid.*, p. 231.

The Pennsylvania assembly went further, however, by pointing out that they had not been consulted beforehand as to undertaking the enterprise or the manner of conducting it, and that it was then too late for alterations if they were desired by other colonies. They considered that "if the design succeed, they will be entitled to but small part of the honour, if it miscarry, they may indeed be time enough to share a principal part of the disgrace." Moreover, they added, "we should think it not prudent to unite in an enterprize where the expence must be great, perhaps much bloodshed, and the event very uncertain." [1]

In May Governor Thomas, having received a letter from Shirley and another from Warren begging him to send men and provisions to Louisburg, called a session of the assembly and presented the matter to them anew.[2] After more than a month's delay [3] he elicited from them the judgment that "the enterprise against Cape Breton is a private undertaking of the government of New England, in which they did not think fit to consult the neighboring colonies, and wherein, if the design succeeds, they themselves will receive the principal benefit, and therefore they have no right to involve us in the expence." The assembly requested delay until specific information as to what share in the expedition had been directed from home before "coming to any further resolution in the affair." Nevertheless it placed an embargo upon all powder to be kept for use at Cape Breton.[4] In July, upon hearing of the surrender of Louisburg and being informed of Newcastle's plans of the preceding

[1] *Minutes of the Provincial Council of Pennsylvania, from the Organization to the Termination of the Proprietary Government [Mar. 10, 1683-Sept. 27, 1775]* (Phila., 1851-1852), Mar. 4, 1745, vol. iv, p. 755.

[2] *Ibid.*, May 27, 1745, pp. 761-762.

[3] *Ibid.*, July 4, 1745, p. 763.

[4] *Ibid.*, July 5, 1745, pp. 763-764.

January for the protection of the colonies or for attacking the French, they voted £4,000 to purchase provisions for the king's service.[1]

To Governor Wentworth of New Hampshire Shirley expressed the opinion that that province was "more deeply interested in the event of this expedition than any of the other colonies," since without the conquest of Louisburg, Nova Scotia and the eastern settlements of Massachusetts must fall, leaving New Hampshire the frontier of New England, while the capture of Louisburg would mean the fall of Canada.[2] Realizing that Wentworth might be bound by his instructions from home to refuse his assent to issues of paper money necessary to the raising of forces in New Hampshire, Shirley revealed that he himself had received permission to consent to emergency issues of paper for necessary war purposes, expressed confidence that Wentworth would be approved rather than censured for violating his instructions upon that point in the existing emergency,[3] and in response to Wentworth's request sent a copy of his own instructions upon that head for inspection.[4]

The matter was submitted to the New Hampshire assembly on February 1st and 2d, and they promptly passed a

[1] *Ibid.*, July 11, 1745, p. 764; July 22, 1745, p. 768; July 27, 1745, p. 769.

[2] Shirley to Wentworth, Jan. 31, 1745, *N. H. Pr. Ps.*, vol. v, p. 932, *Sh. Cor.*, vol. i, p. 177.

[3] Shirley to Wentworth, Feb. 2, 1745, *N. H. Pr. Ps.*, vol. v, p. 933, *Sh. Cor.*, vol. i, p. 178; Feb. 3, 1745, *N. H. Pr. Ps.*, vol. v, p. 933, *Sh. Cor.*, vol. i, pp. 178-179 (extract).

[4] The New Hampshire assembly proposing to put on distant years the drawing in of bills of credit for the support of the expedition, he suggested, in case the assembly would not yield, that the men raised in New Hampshire serve in the pay of Massachusetts, a lieutenant-colonel and major to be selected from New Hampshire and arms to be furnished by that province. Shirley to Wentworth, Feb. 9, 1745, *N. H. Pr. Ps.*, vol. v, p. 934.

vote for raising 250 men to join the expedition, afterward increasing the number to 350 men.[1]

The action of Connecticut was more deliberate than that of New Hampshire. It was necessary to call a special session of the assembly, which sat from the 26th to the 29th of February, to act upon the great enterprise. By that time the participation of Massachusetts and New Hampshire troops was assured and Rhode Island had provided for fitting out her colony sloop. Connecticut thereupon decided to make it a thoroughgoing New England enterprise by joining to it a body of 500 troops,[2] to be accompanied by the colony sloop as a convoy for the transports on the way to Cape Breton. The embarkation point was New London and Roger Wolcott was named to command the Connecticut levies. Afterward Wolcott was made second in command under Pepperrell, who was commissioned by Connecticut, and the force was merged with the other troops of the expedition.[3] These forces were voted four months' provisions.[4]

Upon hearing of the action in New Hampshire and the apparently favorable sentiment in Rhode Island Shirley sent out another circular letter to the other governments, recounting what was under way in the small neighboring colonies (giving, as it proved, a somewhat over-optimistic forecast of the action to be expected in Rhode Island), and also reporting rapid progress in Massachusetts.[5] This,

[1] *Ibid.*, pp. 271, 275, 279, 291.

[2] A false report seems to have reached Shirley on March 6th, that Connecticut was to raise 1,000 men. Shirley to Wentworth, Mar. 6, 1745, *N. H. Pr. Ps.*, vol. v, p. 940.

[3] *6 Mass. H. S. Colls.*, vol. x, p. 497.

[4] *Conn. Col. Recs.*, Feb. 26, 29, 1745, vol. ix, pp. 83-89.

[5] It was sent to Connecticut, New Jersey and Pennsylvania, and probably to the others outside New England to whom appeals had been made. Shirley to Law, Feb. 4, 1745, *Conn. H. S. Colls.*, vol.

however, seems to have had slight influence upon developments.

Meanwhile, Shirley was beginning to carry into execution the program authorized by the Massachusetts general court. By March 31st, he had entered in earnest upon the task of raising the forces. It has been represented that the governor had much difficulty in selecting a suitable commander,[1] but such difficulties probably were largely political. It was hardly to be questioned that the chief command would go to a Massachusetts man, since most of the men to serve under him would clearly be from that province. Since no large body of New England troops had been in the field for a generation there were no available leaders experienced in the handling of such operations as were now contemplated. The province, however, had a military organization, the militia. The amount of technical military training derived through it was slight, but nevertheless those units of the militia stationed or residing on or near the frontiers had had a taste of service in guarding against Indian depredations. It was in this service that such military leaders as Massachusetts possessed had been trained.

The province had two frontiers, the eastern and the western, on either side of New Hampshire, and the two areas were entirely independent of each other in military matters. It thus happened that there was one organization in Maine and the eastern settlements and another in the Connecticut and Housatonic valleys and adjacent territory, the respective chiefs of which knew no superior but the governor, and exercised large discretion under him in time of crisis. It may be inferred that the responsibility for main-

xi, pp. 255-256; Shirley to Morris, Feb. 4, 1745, *N. J. H. S. Colls.*, vol. iv, pp. 230-231; Shirley to Thomas, Feb. 4, 1745, *Sh. Cor.*, vol. i, pp. 179-180.

[1] Hutchinson, *op. cit.*, vol. ii, p. 369.

taining a ceaseless guard against Indian surprises along a frontier of from fifty to 100 miles was calculated to develop some of the qualities of a successful commander.

The men who would logically be considered for the command of the expedition were the men who had served in these responsible posts, Colonel William Pepperrell of Kittery in Maine and Colonel John Stoddard of Northampton in the Connecticut valley. Of the two it is not improbable that Stoddard was the abler, and the better fighter. On the other hand he was needed to hold secure his frontier against any diversion which might be attempted from Crown Point or Canada. Besides, Stoddard, while yet active was no longer young and might not prove equal to the fatigues attending the command of an army in the field.

By contrast, Pepperrell, if leading the expedition, would be covering the frontier which he customarily commanded, and he was then in the prime of life. As a further qualification, Pepperrell had a pleasing personality, and his popularity among the inhabitants east of New Hampshire would ensure a large enlistment there for the expedition, and to a less extent help to attract recruits everywhere. Shirley doubtless took note of these considerations in naming Pepperrell to the command.[1]

According to a time-honored story Pepperrell hesitated whether to take the proffered honor and responsibility and finally accepted after being advised to do so by Whitefield, the evangelist, who was just then engaged in arousing the New England idealism to unprecedented instances of religious fervor. By this act and by furnishing the assembling legions with a slogan of spiritual import, the great revivalist proved himself a patriot and materially aided in the secur-

[1] He received his commission as lieutenant-general on January 31st. 6 *Mass. H. S. Colls.*, vol. x, p. 497.

ing of men.[1] Thus Shirley's enterprise, to which he had given the momentum of a battering ram at the gates of Canada, became a crusade against Catholicism, which to the New England mind of the day was pagan in spirit and sacrilegious in form.

Pepperrell also received commissions from Governors Law of Connecticut and Wentworth of New Hampshire under which he was authorized to command the troops raised in those colonies for the expedition.[2] The selection of the other higher officers for the land forces was completed by the naming of Roger Wolcott, of Connecticut, as a major-general, second in command, and of Samuel Waldo and Joseph Dwight as brigadier-generals. Waldo was second to Pepperrell in command of the Massachusetts troops.[3]

The raising of the New Hampshire levies lagged for about two weeks, while Wentworth and the assembly sparred over the terms for issues of bills of credit. Wentworth constantly consulted Shirley, as he continued to do whenever possible, and Shirley not being able to break the New Hampshire deadlock began to despair of any troops thence. On the fourteenth of February he repeated to Wentworth a suggestion of the ninth of that month that for fear it might prove impossible to secure troops in New

[1] The motto attributed to Whitefield is "*Nil desperandum Christo duce.*" For Whitefield's connection with the expedition, *cf.* Philip, *The Life and Times of the Reverend George Whitefield* (New York, 1838), pp. 308-309; De Normandie, "Sir Wm. Pepperrell," in *2 Mass. H. S. Proc.*, vol. xvii, p. 89; Johnson, *op. cit.*, p. 24; Parsons, *The Life of Sir Wm. Pepperrell* (Boston, 1855), pp. 51-52.

[2] *6 Mass. H. S. Colls.*, vol. x, p. 497; *Conn. Col. Recs.*, vol., ix, p. 92.

[3] Shirley to Wolcott, Mar. 8, 1745, *Conn. H. S. Colls.*, vol. ii, p. 259, *Sh. Cor.*, vol. i, pp. 193-194; Commission to Waldo, Feb. 5, 1745, *C. O.* 5 753; Shirley to Pepperrell, July 7, 1745, *6 Mass. H. S. Colls.*, vol. x, pp. 322-324, 497, *Sh. Cor.*, vol. i, p. 238.

Hampshire in her own pay Wentworth raise men to be paid by Massachusetts; and he now suggested further that he use six blank beating orders[1] signed by Shirley for raising them. At the same time he informed Wentworth: "It would have been an infinite satisfaction to me, and done great honour to the expedition, if your limbs would have permitted you to have taken upon you the chief command."[2]

At once activity appeared in New Hampshire. The next day after Shirley's letter was sent a reply was back from that province recording that Wentworth had succeeded in securing from the assembly a more favorable act for issues of bills of credit, and offering his services as commander-in-chief of the expedition.[3] There was no doubt now of Wentworth's patriotism and gallantry, *sans peur de la* gout.

Shirley after a seemingly necessary delay during a day spent in inspecting Castle William with "a number of gentlemen," expressed gratification at the posture of affairs in New Hampshire, suggested raising if possible and as rapidly as might be 150 men beyond the New Hampshire quota of 250 men, to be paid by Massachusetts but "aggregated to" the New Hampshire contingent, and promised to lay Wentworth's offer of his personal services in the expedition before his council and officers at the first opportunity. In conclusion he said: "Should it turn out that you proceed upon this service, I do assure you it will be a great satisfaction to me."[4] Another letter from Shirley on the same day informed Wentworth, in the postscript: "Upon communicating your offer of your taking the command of the expedition and proceeding in it, to two or three gentle-

[1] Orders for beating drums in designated localities to attract volunteers.

[2] Shirley to Wentworth, Feb. 9 and 14, 1745, *N. H. Pr. Ps.*, vol. v, pp. 934, 935.

[3] Shirley to Wentworth, Feb. 16, 1745, *N. H. Pr. Ps.*, vol. v, pp. 935-936.

[4] *Ibid.*

men in whose prudence and judgment I most confide, I found 'em clearly of opinion that any alteration of the present command would be attended with great risque, both with respect to our assembly, and soldiers being entirely disgusted." [1]

The provision for the New Hampshire forces was now complete, however, and although 100 of them were in the pay of Massachusetts, a total of about 350 New Hampshire men went in the expedition.

A few days later Shirley wrote Wentworth to transmit to him the order in council directing New Hampshire to provide for Fort Dummer. This had been received from home before the Louisburg expedition was proposed in Massachusetts. The delay in transmission Shirley explained as due to reluctance " to divert your excellency with any new business, from the great and important affair of the expedition, . . . together with the close application of my own mind to that affair." [2]

As early as February 3d, the recruiting of troops began through the Massachusetts system of authorizing selected individuals to raise companies of volunteers with the promise of the command of the company when raised.[3] These companies were then organized into regiments under colonels named by the governor. As the men thus enlisted were taken out of the militia of the province the forces available for the defense of the frontiers were decreased in number, resulting in a real problem upon both the eastern and western borders. The difficulty, however, was much more acute to the eastward, where the settlements were sparser

[1] *Ibid.*, p. 936.

[2] Shirley to Wentworth, Feb. 25, 1745, *ibid.*, p. 303; *New Hampshire Historical Society Collections*, vol. i, pp. 146-147.

[3] Proclamation for raising troops, Feb. 3, 1745, *Boston Public Library Mss.*, Ch. E, 10, 103; such a proclamation is printed in *Sh. Cor.*, vol. i, p. 181.

and the enthusiasm for the expedition greater. There, partly through the influence of Brigadier-General Samuel Waldo, the settlers in the Pemaquid district and eastward, where he had established flourishing settlements, joined in the expedition with such unanimity that the frontier was well-nigh abandoned. Seeing this, the frontier Indian tribes took advantage of the opportunity to destroy the settlements at Lincoln and Leverett in the country east of the Kennebec.[1]

The expedition evoked enthusiasm everywhere in the province, and therefore detachments were rapidly raised, marched to rendezvous and there billeted and drilled until the time for general mobilization came.[2] A detachment of 150 grenadiers for hand-grenade service was organized and trained at Boston, and a careful inventory taken of all ordnance and other military material.[3] To secure necessary war supplies Shirley did not hesitate to impress them wherever found.[4] Skilled men for non-combatant services required for the expedition were eagerly sought and when necessary received exemption from military service.[5] The raising of men was made the first consideration and the bestowing of offices or the raising of companies of uniform size a secondary one.[6] On February 17th, Shirley sent

[1] Certificate by Pepperrell, Mar. 4, 1747, *C. O.* 5 753.

[2] Proclamation, Feb. 13, 1745, *Sh. Cor.*, vol. i, p. 182; Shirley to Pepperrell, Feb. 13, 1745, *ibid.*, p. 183.

[3] *Ibid.*; Shirley to Wentworth, Feb. 16, 1745, *N. H. Pr. Ps.*, vol. v, pp. 935-936.

[4] Shirley to Wanton, June 24, 1745, *R. I. Col. Recs.*, vol. v, p. 137, *Sh. Cor.*, vol. i, p. 231; *Ar.*, vol. lxxii, fols. 709-710.

[5] For Shirley's order exempting twenty iron workers from military service, April 13, 1745, *cf. Pub. Col. Soc. Mass.*, vol. vii, pp. 89-90.

[6] Shirley to Pepperrell, Feb. 14, 1745, *Sh. Cor.*, vol. i, pp. 184-185; Shirley to Wentworth, Feb. 26, 1745, *ibid.*, p. 187, *N. H. Pr. Ps.*, vol. v, p. 936; Shirley to Pepperrell, Feb. 26, 1745, *Sh. Cor.*, vol. i, p. 189.

directions to Pepperrell to order a general mobilization from his district at Boston, where the troops would be armed and drilled.[1]

The Massachusetts assembly acted vigorously to insure success by making the necessary appropriations for land and sea forces.[2] Later they provided loyally for the debts incurred on account of the expedition.[3] They also freed volunteers until their return from the expedition from liability to arrest for debt.[4]

It was perhaps inevitable in view of the shortness of the time available that the strength of the expedition should be drawn almost wholly from New England. Moreover, the colonies beyond New England were outside the natural sphere of influence of Shirley, who had at the time no basis for acting as their political mentor. Within New England, however, the Massachusetts governor, by the exercise of tact and skill in urging an issue whose intrinsic appeal throughout that region was powerful, succeeded in overcoming the ever-present jealousy and dislike of two out of three of the colonies to the north and south of her. How far the aloofness of Rhode Island was due in general to her notorious selfishness and how far to resentment over the boundary dispute, in which Shirley had been active, is not clear.

[1] Shirley to Pepperrell, Feb. 17, 1745, *Sh. Cor.*, vol. i, p. 185; Feb. 18, 1745, *ibid.*, p. 186.

[2] *A. and R.*, vol. iii, pp. 199, 204.

[3] *Ibid.*, pp. 245, 255, 261, 293.

[4] *Ibid.*, p. 194.

## CHAPTER XIII

### Louisburg—the Expedition

The preparation of the vessels for embarking the Massachusetts forces was practically complete by the end of February,[1] and the number of seamen required for the transports and the armed vessels of the province was so great that Shirley had already applied to Wentworth in New Hampshire to supply the captain of a British man-of-war with twenty men needed for his crew.[2] Shirley sought to have the New Hampshire forces sent to Boston for embarkation,[3] but this plan proved inconvenient for the detachment from that province.[4] On March 8th, the Massachusetts forces began to embark.[5]

Before the preparations for departure were completed Shirley sent gradually the larger part of the little Massachusetts navy, including three twenty-gun ships, two sixteen-gun snows, and a brigantine to cruise off Louisburg to intercept news, recruits or supplies which might be sent there before the troops arrived.[6] He held as convoy for the transports a snow of twenty-four guns, and other weaker vessels. He counted also upon the aid of the Connecticut colony sloop when the troops were sent thence, and was hopeful but not confident of the Rhode Island colony sloop

[1] Shirley to Pepperrell, Feb. 26, 1745, *Sh. Cor.*, vol. i, p. 189.

[2] Shirley to Wentworth, Feb. 25, 1745, *N. H. Pr. Ps.*, vol. xviii, p. 216, *Sh. Cor.*, vol. i, p. 189, note.

[3] Shirley to Wentworth, Feb. 27, 1745, *N. H. Pr. Ps.*, vol. v, p. 937; Mar. 1, 1745, *ibid.*; Mar. 2, 1745, *ibid.*, p. 938, *Sh. Cor.*, vol. i, pp. 190-191.

[4] *Ibid.*

[5] Shirley to Pepperrell, Mar. 8, 1745, *ibid.*, p. 193.

[6] Shirley to Wentworth, Mar. 27, 1745, *N. H. Pr. Ps.*, vol. v, p. 941.

and the 150 men voted by that colony; but neither were ready at the end of March.

Meanwhile the governor's application to Commodore Warren had been only moderately fortunate. Shirley's appeal reached him February 22d and Warren replied two days later that he had been ordered by the admiralty to proceed to New England in the *Weymouth* some time in March but that that vessel had been lost. In a few days, however, he would send the *Launceston* to New England and the *Mermaid* to New York, pursuant to orders from home. This division of the naval strength along the seaboard, however necessary because of orders, was not conducive to success at Louisburg. Shirley believed Warren free to send both vessels directly to Louisburg, and thought he should have done so, whereby the English naval force off the harbor would have exceeded any French force likely to appear.

Shirley also encountered what looked much like professional jealousy (but may have been due to other causes) in the case of Admiral Knowles at Jamaica. That officer learned that the "*Bien Amy Prize*," which he had sent to New England partly for masts, could not secure a cargo till July, but was desired by Shirley to cruise off Louisburg till the middle of May. The admiral

> thereupon dispatch'd orders for the *Bien Amy Prize* to return to Antigua instantly without staying for masts fit for repairing the Jamaica ships, that suffered in the hurricane, which seems to have a tendency to disappoint the service at Jamaica as well as the expedition; whereas had my request of the assistance of that ship been allowed it would have answered both services.[1]

[1] Shirley, however, at about this time was apparently still counting upon Captain Gayton, in command of the "*Bien Amy*," to sail for Louisburg in a few days. (Shirley to Wentworth, Mar. 27, 1745, *N. H.*

Despite the uncertainty of the outcome, in the absence of any naval force other than that of Massachusetts with slight reinforcements from New England, Shirley was still resolute enough to go forward, hopeful for large success, confident of valuable results even if Louisburg were relieved and maintained.[1] When the fleet was ready he issued his sailing orders for the expedition prescribing the line of battle for the ships.[2] To avoid if possible the giving of warning to the enemy of the approach of the large squadron of transports and fighting ships to Cape Breton, he arranged to send a privateer and another vessel with fifty soldiers on March 27th, a day or two ahead of the fleet, to capture or destroy any small fishing sloops or shallops which might be near Canso, and in general to clear the coast of any vessels by whom news of approach of danger could reach Louisburg.[3]

The first squadron of the expedition took on 2,800 soldiers at Nantasket on March 24th, the remaining 200 raised by Massachusetts were aboard the transports two days later, and the squadron, sailing soon after, proceeded to Canso, where they joined the New Hampshire men.[4] The Con-

*Pr. Ps.*, vol. v, p. 941.) Three days later, he informed General Wolcott of his disappointment in not securing Gayton to convoy the Connecticut forces to Louisburg. (Shirley to Wolcott, Nov. 30, 1745, *Sh. Cor.*, vol. i, p. 201.) The order to Gayton to report at once in the West Indies was very likely due to the presence there early in the spring of a strong French fleet. (Clinton to Morris, Apr. 12, 13, 1745, *N. J. H. S. Colls.*, vol. iv, pp. 233-234.) This fact, however, could not be known to Shirley.

[1] For the situation relating to the strength and disposition of the sea power available for the expedition, *cf.* Shirley to Newcastle, Mar. 27, 1745, *Sh. Cor.*, vol. i, pp. 196-199.

[2] *Mass. Admiralty Recs.*, vol. v.

[3] Shirley to Wentworth, Mar. 10, 1745, *N. H. Pr. Ps.*, vol. v, p. 940; *ibid.*, Mar. 27, 1745, p. 941.

[4] 6 *Mass. H. S. Colls.*, vol. x, pp. 124-125; *Ct. Recs.*, vol. xvii (4),

necticut levies of 500 men were necessarily later. but sailed about the middle of April.[1]

Shirley's instructions to Pepperrell gave him control of both fleet and army. These also directed the operations later carried out at Canso and St. Peter's. As to the operations against Louisburg, they were what previous utterances by Shirley would suggest. They provided a plan for a surprise attack in case it were feasible, but not relying upon that method. Pepperrell was also to send news of his arrival before Louisburg to the British squadron at Newfoundland and of the taking of the grand battery, when accomplished, to the Duke of Newcastle.[2]

A few days after issuing these instructions additional ones were added by Shirley to insure, if possible, the cooperation of the Massachusetts vessels to safeguard the landing of the troops, and after the landing to secure proper communications between them and Boston and also between them and the provincial vessels off the coast. A final instruction in the postscript left Pepperrell to use his own discretion in any case.[3]

If in view of the absence of assurances of adequate and timely naval support the darkness enveloping the Louisburg expedition when it left the shores of New England was relieved by few signs of dawn, the gloom only presaged the quick arrival of the sunlight. The orders from the admiralty to Commodore Warren directing him to proceed with the *Superbe, Launceston* and *Mermaid* to Boston to

p. 714. The New Hampshire force arrived at Canso four days ahead of the Massachusetts levies, and probably soon enough to nullify the effort to prevent the news of the approach of troops from reaching Louisburg. Hutchinson, *op. cit.*, vol. ii, p. 371; *supra*, p. 281.

[1] Saltonstall to Law, Apr. 17, 1745, *Conn. H. S. Colls.*, vol. xi, pp. 281-282.

[2] Shirley to Pepperrell, Mar. 19, 1745, *Mass. H. S. Colls.*, vol. i, pp. 5-11.

[3] Shirley to Pepperrell, Mar. 22, 1745, *ibid.*, pp. 12-13.

concert measures with Shirley for the protection of the northern colonies[1] reached him on March 8th,[2] less than two weeks after his unsympathetic response to Shirley's appeal for aid.[3] Upon receipt of them Warren notified Shirley promptly of their contents, his letters upon the subject reaching Boston on March 30th,[4] just after the Massachusetts forces sailed.[5] Thereupon Shirley at once wrote Warren suggesting that he send one ship at least directly to Louisburg to join the squadron off the harbor. Having heard nothing further from Warren five days after the receipt of his letters announcing his coming, Shirley suspected he had sailed with his entire squadron to Louisburg. This suspicion was verified on the 11th.[6] Warren acted with great energy and judgment, directing his course for Boston as ordered until within thirty leagues of that port, when, learning from a passing vessel that the expedition had sailed for Canso, he picked up a skilled pilot from a fishing vessel and steered at once to that place, without waiting to take on supplies of food or full ordnance stores and with one vessel not wholly fit for immediate service. From Canso, after conference with Pepperrell, he proceeded at once to Louisburg, making the blockade of that place effective.[7] Shortly after came Warren's order to the *Bien*

[1] *Cf.* Newcastle to Shirley, Jan. 3, 1745, *Sh. Cor.*, vol. i, pp. 155-156.

[2] Shirley to Newcastle. Apr. 4, 1745, *C. O.* 5 900, 171; Shirley to Board, Apr. 4, 1745, *C. O.* 5 885, 127, Ff, 78.

[3] *Cf. supra*, p. 282.

[4] Shirley to Board, Apr. 4, 1745, *C. O.* 5 885, 127, Ff, 78; Shirley to Newcastle, Apr. 4, 1745, *C. O.* 5 900, 171.

[5] Shirley to Wolcott, Mar. 30, 1745, *Conn. H. S. Colls.*, vol. xi, pp. 272-273, *Sh. Cor.*, vol. i, p. 201.

[6] For the news of Warren's course, *cf.* Shirley to Newcastle, Apr. 4, 1745, P. S., Apr. 11, 1745, *C. O.* 5 900, 171.

[7] Shirley to Newcastle, Oct. 28, 1745, *C. O.* 5 900, 245. (This portion of this letter is omitted from the copy published in *Sh. Cor.*, vol. i, pp. 273-279.) Hutchinson, *op. cit.*, vol. ii, p. 372.

*Aimé* and the *Eltham* to proceed at once to Louisburg. Shirley by prompt action intercepted the latter as it was sailing for London.[1] While this squadron remained before Louisburg all uncertainty as to the English naval superiority there vanished.

There was a temporary doubt whether some of Warren's vessels would not be detailed for service in the West Indies to aid Knowles, who seemed to be menaced by a considerable French fleet, which might attack the British possessions there or the southern mainland;[2] but it was decided that this interference with the Louisburg campaign was not practicable and probably not necessary.[3]

Meanwhile Shirley's letter to Newcastle of February 1st announcing the undertaking of the expedition had reached England on March 16th. For once America furnished a sensation.

The Duke of Newcastle was absent from London when Shirley's urgent letter arrived, but Mr. Stone, the duke's secretary, saw the need for action and "instantly lay'd my letters before his majesty." It was recognized that an emergent American question had arisen, and therefore not only did his majesty upon reading the letters approve the expedition, and refer the letters to the lords of the admiralty, but that board was hurriedly called together at eleven o'clock at night, and showed so much haste as hardly to allow Captain Loring (one of the group who had devised the much discussed plan for the expedition), whom Shirley had sent as a pilot for any vessels ordered to Louisburg, any time for sleep before being "sent to Portsmouth from

[1] Shirley to Wentworth, Apr. 15, 1745, *N. H. Pr. Ps.*, vol. xviii, p. 224; Shirley to Admiralty, Apr. 18, 1745, *Ad.* I, 3817.

[2] *Cf. supra*, p. 282.

[3] Shirley to Warren, Apr. 17, 1745, *C. O.* 5 900, 175, *Ad.* I, 3817; Shirley to Newcastle, Apr. 18, 1745, *C. O.* 5 900, 173; Shirley to Newcastle, Apr. 30, 1745, *C. O.* 5 900, 177.

whence he proceeded in his majesty's ship *Princess Mary* on the 19th in company with some other men-of-war, directly for Cape Breton, in expectation of meeting the New England forces there." [1] Thus was the project of the admiralty of the month before to send aid to the northern colonies as early as possible [2] brought to an unexpectedly early fruition. With the sending of this squadron and the implied intention to send troops promptly to occupy and if necessary to complete the conquest of the fortress, the expedition was insured against any reasonable expectation of failure, and the soundness of Shirley's judgment in seizing the psychological moment for launching New England against the fortress was vindicated. He had read the minds of his people and of the ministry aright.

The *Princess Mary* arrived at Boston on May 5th [3] for slight repairs, whence she proceeded for Louisburg after a few days.[4] Without counting the forty-gun ship *Hector*, hourly expected, there were now available for service off Louisburg the vessels indicated by the appended table.[5]

[1] Kilby to Newcastle, Apr. 3, 1745, *C. O.* 5 900, loose at end; Shirley to Pepperrell, May 5, 1745, *Mass. H. S. Colls.*, vol. i, p. 25; Shirley to Wentworth, May 5, 1745, *N. H. Pr. Ps.*, vol. xviii, p. 225.

[2] Order in Cl., Feb. 7, 1745, *C. O.* 5 885, 119, Ff, 76.

[3] Shirley to Pepperrell, May 5, 1745, *Mass. H. S. Colls.*, vol. i, p. 25.

[4] Shirley to Newcastle, May 12, 1745, *C. O.* 5 900, 179.

[5]

| Large English Ships. | Guns. | Total Guns. |
|---|---|---|
| 2 | 60 | 120 |
| 1 | 50 (reduced) | 50 |
| 2 (third expected) | 40 | 80 |
| 1 | 34 | 34 |
| Totals.. 6 | | 284 |

| Smaller New England Ships. | Guns. | Total Guns. |
|---|---|---|
| 4 | 20 | 80 |
| 2 | 16 | 32 |
| 1 | 16 (brigantine of nearly) | 16 |
| Totals.. 7 | | 128 (approximately) |

Meanwhile, the only French vessel which had entered Louisburg that spring, Warren reported, was a fourteen-gun ship, loaded with wine and brandy, which had slipped through in the fog. Warren, however, in anticipation of the arrival of the large ships from England, sent to Newfoundland for warships stationed there.[1]

Even before hearing that Warren had proceeded to Louisburg Shirley wrote to Pepperrell a suggestion which seems to have been based upon keen insight into the character of the men concerned. "It is a general observation," the governor said, "that the land and sea forces, when joined upon the same expedition, seldom or never agree, but I am persuaded it will not be so between you and Commodore Warren, as any misunderstanding between you might prove fatal to his majesty's service in the expedition."[2] Later friction between the two commanders, though not injurious to the success of the undertaking, gave point to the warning.[3]

Before this stage had been reached the land forces were also under way. No mishap attended the transportation of the army. The Massachusetts and New Hampshire fleets were together at Canso, with the exception of a few in a neighboring harbor, by April 10th. Pepperrell landed his troops and held a review on Canso hill, finding them in good condition, while there had been but three deaths among 1,400 seamen in the Massachusetts fleet.[4] Eighty men who

[1] Warren to Shirley, May 12, 1745, *C. O.* 5 900, 187.

[2] Shirley to Pepperrell, Apr. 10, 1745, *Mass. H. S. Colls.*, vol. i, p. 17, *Sh. Cor.*, vol. i, p. 205.

[3] Pepperrell to Shirley, July 17, 1745, *6 Mass. H. S. Colls.*, vol. x, pp. 329-331, *Sh. Cor.*, vol. i, pp. 250-251; Shirley to Pepperrell, July 29, 1745, *6 Mass. H. S. Colls.*, vol. x, pp. 338-342, *Sh. Cor.*, vol. i, pp. 259-260.

[4] Shirley to Newcastle, Apr. 30, 1745, *C. O.* 5 900, 177. *Cf.* also "Journal or Minutes made in an Expedition against Louisburg, Anno

were posted there erected during the spring and summer a well-defended blockhouse with eight cannon.[1]

The expedition was held at Canso for nearly three weeks while the exceptional quantities of ice in "Chappeaurouge" bay, where the landing on Cape Breton was to be made, was melting.[2] Meanwhile the commander at Louisburg discovered the fleet of New England vessels cruising off the harbor, and suspecting a contemplated attack, brought 1,000 men from the outlying settlements into Louisburg.[3]

It was later learned that the presence of the expedition at Canso was known at Louisburg, which made a successful surprise improbable.[4] It was also later learned that the French in Canada had been informed by the Indians of the preparations in New England against Louisburg, but they were not sufficiently impressed to send reinforcements to the fortress, evidently counting upon its relief from France.[5]

Warren, having taken up his station off Louisburg, April 25th, according to a despatch to the substantial *Gentleman's Magazine,* "sent for the troops at Canso to come immediately and join him." Meanwhile it was reported he had captured a sloop, two brigs and a ship from Martinique attempting to enter the harbor.[6] News was received in England a few weeks later through a French vessel which had escaped from Louisburg that six men-of-war and forty-

Domini, 1745," *Am. Ant. Soc. Proc.*, n. s., vol. xx, pp. 141-144; Shirley, *Journal of the Siege of Louisburg . . .*, appended to his *Letter to the Duke of Newcastle*, Oct. 28, 1745 (London, 1746), pp. 17-18.

[1] Shirley to Newcastle, May 21, 1745, *C. O.* 5 900, 179; Pepperrell to Cutter, Apr. 14, 1745 and account for building fort at Canso, *T* 1 321.

[2] Shirley, *Journal, loc. cit.*, p. 17; Shirley, *Letter to the Duke*, p. 4.

[3] Shirley to Board, July 10, 1745, *Sh. Cor.*, vol. i, p. 242.

[4] Waldo to Shirley, May 12, 1745, *C. O.* 5 900.

[5] Shirley to Admiralty, June 17, 1745, *Ad.* I, 3817.

[6] *Gentleman's Magazine*, vol. xv, p. 334.

one transports were lying before Louisburg and had taken a French sixty-four-gun ship, portending the reduction of the place at an early date.[1]

On the 29th of April, the conditions at Louisburg warranting the attempt to land, the forces under Pepperrell sailed from Canso, the squadron of transports in four divisions convoyed by three Massachusetts vessels. In the middle of the following forenoon they reached Chapeau-rouge bay, and landed with few casualties after a brisk skirmish.[2]

The landing of the troops occupied two days. That of the supplies went forward gradually and with difficulty, as there was no harbor and consequently no wharves or other conveniences, and the surf was often high. This task occupied about two weeks of arduous labor.[3]

On the second day after their arrival 400 men were sent to the rear of the town and destroyed houses and stores within a mile of the grand or royal battery. This work was one of the chief defenses of the harbor, commanding its entrance as well as the citadel and town;[4] nevertheless the French promptly and apparently in panic, abandoned the position. Thereupon a party of about fifteen New Englanders upon the following day took possession of it with astonishment and *aplomb,* and defended it against recapture with distinguished gallantry.[5] This advantage was promptly utilized by turning the guns, which required little labor to fit them

[1] *Ibid.*, p. 335.

[2] Shirley, *Letter to the Duke,* pp. 4-5, *Journal, loc. cit.*, pp. 19-20.

[3] *Ibid.*, pp. 20-21.

[4] *Ibid.*, p. 21; Shirley, *A letter, etc., op. cit.*, p. 5; *Louisburg in 1745; the anonymous Lettre d'un Habitant de Louisbourg (Cape Breton)* . . . , ed. by Geo. M. Wrong (Toronto, 1897), p. 30.

[5] *Ibid.*, p. 41; Shirley, *A Letter, etc., op. cit.*, p. 6; *Journal, loc. cit.*, pp. 22-23.

for service, against the town and the island battery at the entrance to the harbor.[1]

The siege was begun with a spirit which took advantage of the obvious confusion of the garrison. The attackers, although their numbers were relatively few to withstand a determined sortie, for some time covered their base on Chapeaurouge bay only by scouts and skirmish lines, and also discouraged sorties by placing scouts close to the walls.[2] The New Englanders, moreover, after overcoming great difficulties in getting their cannon into place, erected five batteries in succession progressively nearer the walls of the town, until at the end of twenty-three days, the fifth was only 250 yards away, so close that the loading of the cannon had to be done under protection of musketry fire.[3] From this position they were able to batter a breach in the wall, beat down the west gate and greatly distress the town.[4] Also another battery at some distance along the shore was raised and joined its fire against the west gate.[5]

The chief immediate object of operations, after shutting the besiegers within their walls and initiating measures calculated to bring about a capitulation, was to open the harbor to the fleet, which from the other side of the huge basin would be able to contribute more than any other factor to the prompt yielding of the fortress. The key to the defense of the harbor was the island battery, close to the ship channel and dominating it at point-blank range.

[1] *Ibid.*, pp. 22-23; Shirley, *A letter, etc., op. cit.*, p. 6; *Habitant*, p. 41.

[2] Shirley, *Journal, loc. cit.*, p. 22.

[3] *Ibid.*, pp. 23-27; Shirley, *A letter, etc., op. cit.*, pp. 6-8; *Habitant*, pp. 44-45.

[4] *Ibid.*, p. 44; Shirley, *Journal, loc. cit.*, pp. 26-27; Shirley, *A letter*, etc., *op. cit.*, p. 11.

[5] Shirley, *Journal, loc. cit.*, p. 28; "Journal or Minutes made in an Expedition against Louisburg, Anno Domini, 1745," *Am. Ant. Soc. Proc.*, n. s., vol. xx, p. 154.

The lack of soldierly training or of discretion among the New Englanders showed more clearly in the method of handling this problem than elsewhere. Only a few days after the opening of the siege a night assault upon the island battery was planned, but unfavorable weather conditions prevented a serious attempt.[1] On the evening of May 26th, however, a foolhardy assault was made, resulting in heavy losses in killed and captured.[2] Meanwhile a valuable addition to the resources of the besiegers had been made by the discovery of twenty-three cannon in the water near the lighthouse across the channel from the island battery.[3] After taking a week in which to reflect upon their reverse it was decided to erect a battery upon the lighthouse point, which commanded the ship channel and the island stronghold. This lighthouse battery required but a few days for its completion and caused much havoc among the garrison of the island defenses.[4] As supplies were very low inside the fortress, its surrender seemed near if the besiegers could, despite much sickness, continue the siege.

Meanwhile Warren's squadron had maintained the blockade effectively. Their most important exploit was the capture of the *Vigilant*, a sixty-four-gun ship, which was trying to get into Louisburg with supplies, and especially munitions of war. The capture of this support from home within the sight and hearing of the garrison, convinced Louisburg that it was doomed. The captured stores, moreover, supplied the besiegers with ammunition and other equipment necessary for the prosecution of the siege.[5]

[1] *Ibid.*, pp. 152-153.

[2] *Ibid.*, pp. 158-159; Shirley, *Journal, loc. cit.*, p. 29; *Habitant*, p. 51.

[3] "Journal or Minutes," *etc., loc. cit.*, p. 154.

[4] *Ibid.*, pp. 161, 162, 163; Shirley, *Journal, loc. cit.*, pp. 29-31; *Habitant*, p. 52.

[5] The credit for this capture has usually been given to Warren, and

As the middle of June approached, the defenses of the fortress were in a bad way. Not only had the wall been breached, the west gate destroyed and other portions of the walls nearly ruined, but the island battery had been put nearly out of commission, the grand battery was a stronghold of the besiegers, two other batteries were untenable, one of them with all but three guns dismounted, the town was so badly damaged that but one house was unhurt, and the ammunition of the defenders was nearly exhausted.[1] The fleet outside, after several accessions of ships of strength, was by this time clearly too strong to be overcome by any French armament which would have been sent, and the distress of the island battery, though not yet reducing it to submission, presaged a time not far distant when the squadron would bring its heavy guns within the basin to harass if not destroy the fortress and town.

Thoughts of capitulation were now generally entertained. On Warren's part they led to a fruitless suggestion from him that the fortress surrender to himself rather than to Pepperrell.[2] It seems that the latter desired the town to surrender before the fleet had become a factor in the reduction of it.[3] The officers of the garrison at first pre-

the assumption that the ships of the royal navy deserved the chief credit seems not to have been challenged by Shirley or other spokesmen for the Americans. It appears, however, from the statement of a Frenchman within the town, that but for the address of Captain Rouse of one of the Massachusetts vessels in leading the *Vigilant* within reach of the English fleet, she would have escaped into Louisburg. (*Habitant*, pp. 45-49, 56.) According to Hutchinson the *Vigilant* was lured within reach of the English fleet by Captain Douglas of the *Mermaid*, one of Warren's ships. (*Hist. of Mass.*, vol. ii, pp. 374-375.) For other accounts of this affair, *cf.* "Journal or Minutes, *etc., loc. cit.*, pp. 156, 157; Shirley, *A letter, etc., op. cit.*, pp. 13-14; Shirley, *Journal, loc. cit.*, p. 28.

[1] Shirley, *Journal, loc. cit.*, p. 31.

[2] *Habitant*, p. 57.

[3] *Ibid.*

ferred to surrender to Pepperrell rather than to Warren and made advances toward that end, which, however, were not sufficiently submissive.[1] After the failure with Pepperrell, it appears that Warren was approached and that with him the terms of the capitulation were fixed.[2] Moreover the keys of the town were delivered to him,[3] and it is reported that the intendant insisted that the marines from the fleet be the first to enter the town.[4] The capitulation prevented the carrying into execution of plans for a general assault upon the place which seemed not unlikely to succeed.[5]

Shirley's initiative had thus been crowned with success through the cooperation of New England enthusiasm and British naval power, two highly incongruous elements which perhaps Shirley alone could have brought together and made efficient in combination. Moreover, the province had been blessed by the smiles of fortune in the great lottery of war.

[1] *Ibid.*, p. 59.

[2] *Ibid.*, pp. 59-60; "Journal or Minutes," *etc., loc. cit.*, p. 165.

[3] Durell, *A particular account of the taking Cape Breton from the French* . . . (London, 1745), p. 3.

[4] *A Letter from an officer of marines to his friend in London* . . . appended to Durell, *op. cit.*

[5] *Habitant*, p. 60; "Journal or Minutes," *etc., loc. cit.*, p. 164; "Journal of Roger Wolcott, at the Siege of Louisburg, 1745," in *Conn. H. S. Colls.*, vol. i, p. 136.

## CHAPTER XIV

### Planning the Conquest of Canada

While Governor Shirley gave the impression to his contemporaries (which has been passed on to their descendants) that he was an enthusiast, and perhaps a little unbalanced, over the Louisburg expedition, in reality that was to his mind but a prelude to a much greater achievement, the conquest by England of the great basin upon the flank and rear of the English colonies, with its enormous tributary lands, its unrivalled system of inland waterways and its rich fur trade. He foresaw the great future development which would occur in America, and saw that France was striving mightily to secure the mastery of the North American continent as she had already striven for that of the European. It was a simple matter of deduction that if she once controlled America the control of Europe would soon be hers.

It is interesting to note that English statesmen in the chief administrative positions at home seemed almost invariably to suffer from a lack of imagination, which, combined with their real detachment from conditions in America, resulted in a policy for the empire grotesquely out of perspective. This was not due to necessary ignorance of conditions in America, but to neglect or inability to comprehend the future in the light of the past. Able and alert representatives of the crown repeatedly informed the ministry and the board of trade, who served as a fountain of information for the ministry, of the rapid progress being made by both French and English in America by diverse

paths. These warnings led to a representation by the board of trade as early as 1720, pointing out that the French were following an aggressive policy and "one day promise themselves an universal empire in America, which may possibly happen, if proper measures are not taken to prevent a design so destructive to the British interest and commerce." [1] But to meet this threat the suggested safeguard was merely forts on the frontier and four battalions of foot for the flanks of the English colonies in Nova Scotia and Carolina respectively.[2]

The British ministry in Shirley's time manifestly had no clear conception of the issue, imagining that to maintain the European balance was of vastly greater significance than to upset the American. They had supported the Louisburg enterprise as an excellent opening to strike at the enemy, but apparently would have been even readier to strike in Europe, and probably in India. Shirley had handed Louisburg to the ministry and they had been graciously pleased to accept the gift. It was extremely unlikely that they would have attempted the conquest of it upon their own initiative. It was virtually inconceivable that they would of their own volition undertake to extirpate the French in Canada. Yet, as Shirley saw, that should follow Louisburg as noonday the dawn.

While the Louisburg expedition was in preparation and under way its support was apparently the all-engrossing occupation of Shirley. It necessarily dwarfed his other activities for the time, but it was by no means his only vital interest. Two other matters of prime importance claimed attention; the defense of the Massachusetts frontiers while a large fraction of the fighting men of the province were at Louisburg, and plans for future aggressive warfare against

[1] *A. P. C.*, vol. vi, p. 122.

[2] *Ibid.*, pp. 124-125.

the enemy. These two sorts of operations were different in time and method, but were essentially alike in aim; for the only means of making the frontiers of New England safe from the hostile intrusion of the French or of Indians under their influence was to wrest from France their base of operations in Canada. The rival settlements were too close together to avoid contact and each nation already felt the need for elbow room. Shirley's immediate task, however, was the defensive protection of the frontier.

The expedition had not yet reached Louisburg when the veteran duke of the western marches, John Stoddard, warned that danger was looming up in that direction. He had been engaged in prudently testing the inclinations of the Six Nations and found them cool to the English, and increasingly inclined toward the French. An improbable yarn that the English and Dutch were plotting their destruction had been plausibly presented to them and the resulting suspicion had not been dispelled. Whereupon Stoddard succinctly remarked: "These people are very numerous, and if they should be drawn to the French interest they will be worse to us than all Canada."[1] Stoddard suggested efforts by Massachusetts to pacify them, since the Dutch at Albany seemed incapable of doing it.[2]

Upon hearing this news Shirley at once renewed an earlier request to Governor Law of Connecticut for men to help defend the western Massachusetts frontier, as a measure urgently necessary, and much more valuable before an attack than afterward.[3] However, the conditions upon the

[1] Stoddard to Shirley, Apr. 24, 1745, *Conn. H. S. Colls.*, vol. xi, p. 282, (extracts) *Sh. Cor.*, vol. i, pp. 209-211. *Cf.* also for the false rumor circulated among the Iroquois, Wraxall, *op. cit.*, pp. 241-242.

[2] Stoddard to Shirley, Apr. 24, 1745, *loc. cit.*

[3] Shirley to Law, Mar. 18, 1745, *Conn. H. S. Colls.*, vol. xi, pp. 265-266; Apr. 27, 1745, *ibid.*, pp. 283-284, *Sh. Cor.*, vol. i, pp. 211-212.

western border did not become immediately critical, and the Nova Scotia frontier for the time held the stage.

The French in Canada had assembled a strong detachment of Indians and French early in the spring, and actually began the siege of Annapolis with about 900 men without waiting for the arrival of sea and land forces expected from France. Shirley exerted himself to procure reinforcements for the garrison, and secured the despatch of the troops taken at Canso in the preceding spring, who, after their exchange had been stationed at Castle William. He also applied to Warren to send assistance by sea.[1] The fortress was successfully maintained although Shirley had heard nothing by the middle of June of the 150 recruits expected from home for its defense.[2] Meanwhile, before the end of May, the forces before Annapolis became disheartened and raised the siege. This action suggested doubts as to whether they had gone to strike Canso or to attack the besiegers of Louisburg;[3] but it later appeared that they lacked the stamina for attempting either.

The attack on Annapolis, however, was a shrewd move on the part of the French, even if no success was directly attained; for it had more effect upon the minds of the Indians on the New England frontier than did the Louisburg expedition, especially when they noted the weak line of defense remaining after the expedition had decimated some of the settlements, and when they were told by the French that the enterprise had resulted in an English disaster.[4]

[1] Shirley to Newcastle, Apr. 30, 1745, *C. O.* 5 900, 177; Shirley to Aldridge, May 26, 1745, *C. O.* 5 900, 192; Shirley to Newcastle, June 1, 1745, *C. O.* 5 900, 188.

[2] Shirley to Admiralty, June 17, 1745, *Ad.* I, 3817.

[3] Shirley to Newcastle, June 2, 1745, *Sh. Cor.*, vol. i, p. 221.

[4] The long Maine frontier was being defended in part by two scouting parties detailed from one company, each to complete its allotted cycle weekly. *Ar.*, vol. lxxii, fols. 711-712.

With the fall of Louisburg on June 17th, the general situation for New England was vastly bettered. Both the responsibilities and the opportunities of the English colonies were increased; for on the one hand the New England frontier now extended from Long Island sound to Louisburg, but on the other, the fortress no longer obstructed the realization of Shirley's real purpose in hurling New England at the French stronghold.

That purpose became known in England contemporaneously with the news that New England would soon be demanding from the French the key to her front door at Louisburg. The new project was almost if not quite as striking as the enterprise against that fortress. To explain:

Mr. Shirley employed proper persons before the departure of the advice boat [for England] to sound the inclinations of the inland inhabitants of his own province, and those of the contiguous English governments, on an attempt, to entirely extirpate the French from North America, by following the blow at Cape Breton if that should be successful, with an attack upon Canada—and by the returns that were made him it was very evident that in New England only, 10,000 men might be raised at very short notice for such an enterprise, and there is the strongest probability that his majesty's subjects in the rest of his majesty's North American provinces will heartily concur and assist therein.[1]

This intimation that Louisburg was but a stepping stone to Quebec and Montreal, by the occupation of which the terror that lurked by night all about the inland frontier villages and hamlets of New England might be stayed forever, was calculated to arouse as much enthusiasm in the interior of that section as the downfall of Cape Breton would cause in the seaport districts. This larger aim doubtless had more influence than any other consideration in rallying to the sup-

[1] Kilby to [Newcastle], April 3, 1745, *C. O.* 5 900, loose at end.

port of the Louisburg expedition the folk upon the exposed frontiers of Massachusetts, New Hampshire and Connecticut.

As soon as the sailing of the expedition for Canso gave him some measure of leisure, and the knowledge that it would have adequate naval support relieved his fears that it might fail of full success, Shirley gave his attention to plans for taking advantage of what success might be won. As a first step he wrote to Newcastle his conviction that success in the expedition then in progress would excite in the colonies of New England the greatest spirit and ardor to follow it up with an immediate attempt against the French settlements in Canada. And, he added:

> As all the colonies to the southward of New England as far as Virginia inclusive are equally and some of them more engaged by their particular interests to join in the reduction of Canada, it seems not to be doubted that upon his majesty's recommendation of such an expedition to the several governments they would most readily do it; and indeed as there might be time after the reduction of Cape Breton in case it should be reduced soon, to fit out such an expedition here before the ensuing winter if forwarded with the same despatch as has been used in that against Cape Breton, I would submit whether a more favorable opportunity could be laid hold on than in the present year.[1]

This plan was obviously suited only to the most favorable combination of circumstances, but it was well calculated to take advantage of such a combination should it appear.

While the Massachusetts and New Hampshire forces were at Canso awaiting an opportunity to proceed to Louisburg, Shirley took the first step in America toward promoting this scheme by consulting Governor Wentworth, of New Hampshire, upon its practicability. Shirley raised queries upon a

[1] Shirley to Newcastle, Apr. 4, 1745, *C. O.* 5 900.

number of points, including the strength of the enemy, the desirability, possibility and method of taking Crown Point as a first step, and what support from England would be necessary. Especially, he queried whether it would not be feasible to raze all the outlying settlements of Canada and drive the inhabitants into Quebec and Montreal, and whether campaigns against these towns in succeeding years, if accompanied by effective blockade of the seaboard, would not lead to their conquest by mere distress.[1]

Wentworth replied in optimistic vein, assuming a ready conquest of Louisburg and favoring a further campaign for Canada with additional troops, if they could have adequate naval cooperation. Such an expedition could proceed as far as Montreal, with "no difficulty, but at Quebec." Continuing he added: "How strong that may be, I am not able to discover." He was informed, however, that the fortress might be taken easily with 4,000 effective men. The rest of Canada could make no resistance to a good-sized force. By this plan Crown Point would become the last objective, to be taken by closing in on it from the Canadian side.

This scheme required, Wentworth thought, but two additional favoring circumstances to promote it in case of success at Louisburg. These were that "the governments as far as Philadelphia would heartily and speedily unite in this grand enterprise . . . ," and that a supply of arms from some source then unknown should be procured. These slight obstacles, however, did not deter the doughty governor from holding a "fixed opinion," that at the first news of success at Louisburg "every hand and every heart should be imploy'd in pursuing the conquest to Montreal. . . ."[2]

[1] Shirley to Wentworth, Apr. 8, 1745, *N. H. Pr. Ps.*, vol. v, p. 949, *Sh. Cor.*, vol. i, pp. 203-204.

[2] Wentworth to Shirley, Apr. 12, 1745, *N. H. Pr. Ps.*, vol. v, p. 950, *Sh. Cor.*, vol. i, pp. 206-208.

The outstanding feature of Wentworth's reply was that he was ready to cooperate in the conquest of Canada when an opportunity arose, to which attitude of mind Shirley had doubtless contributed by seeking his counsel upon the matter. His aid would be useful in the launching of a future plan.

Shortly afterward Kilby in England again suggested the conquest of Canada, pointing out, as a preliminary, that further naval forces should be sent to relieve the American army at Louisburg and to capture the valuable fleet which would then be there. He added that in case of success at Louisburg it would be expedient to send after the force already sent "as soon as possible . . . as many ships as can be spared that a competent number may be landed at Cape Breton to be joyned with as many of the New England forces as will compleatly garrison the town," and that the remainder of the British forces proceed promptly to Boston and join troops to be raised there for the reduction of Canada, "which is the principal object in view of his majesty's American subjects, and will undoubtedly engage their utmost efforts." As further features of the plan Kilby suggested that 10,000 men be raised in America for land service, where the cost of levying and supporting them would be much less, they being already there and in pay only while serving, and he thought the colonies would bear the cost of raising them. He thought two regiments from England desirable, but if that were impracticable, one would do.[1]

By the time Louisburg actually fell it was manifestly chimerical to suppose that an expedition could still be set in motion against Canada that year. The English government had been slow in pushing the plans and had so delayed sending regulars to garrison Louisburg as to force many of

[1]Kilby to Harrington, Apr. 22, 1745, *C. O.* 5 900, loose at end.

the New England soldiers then in the field to remain in garrison there. Hence the immediate need was to hold or advance the New England frontiers until another season opened.

Those frontiers were not heavily attacked in 1745, but there was much trouble of a minor character from the Indians especially among the exposed eastern settlements, while lesser raids also took place upon the western borders.[1] After the fall of Louisburg Shirley sought to quiet the eastern Indians by sending them an account of that success.[2] But they were already under French influence and had begun hostilities before Shirley's message arrived.[3] This menace, while not acute, led to a feeling in both official and private circles that the frontiersmen at Louisburg, especially those from the eastern country, should return for the defense of their homes.[4] Shirley, however, sent one of the Massachusetts ships to Maine to cruise up the rivers among the settlements, and at the same time sent reinforcements to the western frontiers (where skulking Indians were giving trouble, although there was no organized attack) and ordered out scouting parties to clear the woods of the foe.[5]

[1] Shirley to Newcastle, July 21, 1745, *C. O.* 5 900, 216; Shirley to Hill, July 12, 1745, *N. E. Hist. and Gen. Reg.*, vol. xii, p. 264.

[2] Shirley to Penobscot and Norridgewalk Indians, July 12, 1745, *N. H. Pr. Ps.*, vol. v, p. 948, *Conn. H. S. Colls.*, vol. xi, pp. 337-338, *Sh. Cor.*, vol. i, pp. 247-248.

[3] Shirley to Newcastle, July 21, 1745, *C. O.* 5 900, 216; Shirley to Bradbury, July 22, 1745, *Cor. Col. Govs. of R. I.*, vol. i, p. 376, *Conn. H. S. Colls.*, vol. xi, pp. 349-350, *Sh. Cor.*, vol. i, pp. 253-254; Shirley to Pepperrell, July 29, 1745, 6 *Mass. H. S. Colls.*, vol. x, pp. 338-342, (extracts) *Sh. Cor.*, vol. i, pp 257-259; Bradbury to Shirley, July 29, 1745, *Conn. H. S. Colls.*, vol. xi, pp. 353-354, *Sh. Cor.*, vol. i, p. 261.

[4] Shirley to Pepperrell, July 29, 1745, 6 *Mass. H. S. Colls.*, vol. x, pp. 338-342.

[5] *Ibid.*

Later Lieutenant-Governor Phips in the absence of Shirley applied to the surrounding governments for cooperation in making war upon the eastern Indians.[1]

As no further serious trouble developed Shirley gave the larger share of his attention for the balance of the year to keeping Louisburg safely for the crown. This required some address on his part, for after the siege was over Pepperrell and Warren dwelt together in a unity which already showed signs of disintegrating, while the New England troops were wholly united in the desire to go home at once, since the expedition was now thought to be over.[2] Moreover, Warren, by taking possession of the town with his marines before Pepperrell's troops marched in and by apparently overriding Pepperrell's judgment in several points was creating conditions which were not conducive to future felicity at Louisburg in several respects.

The chief difficulty arose from the attitude of half-contemptuous toleration which Warren like other orthodox Englishmen assumed toward colonial society and the purely American elements which entered into it. It seemed natural to him that he should be the chief in command of the entire expedition, since he commanded the only regular English forces in it. But applying this simple formula would result in his treating Pepperrell, the general in command of all the land forces by commission from three New England governments, as an inferior. This Shirley did not propose to allow. Not only was his own prestige as the chief grantor

[1] Phips to Wentworth, Aug. 19, 1745, *N. H. Pr. Ps.*, vol. xviii, p. 232; Phips to Wanton, Aug. 19, 1745, *Cor. Col. Govs. of R. I.*, vol. i, pp. 374-375; Phips to Law, Aug. 19, 1745, *Conn. H. S. Colls.*, vol. xiii, pp. 29-30.

[2] Shirley to Newcastle, July 10, 1745, *C. O.* 5 900, 198; Pepperrell to Shirley, July 4, 1745, 6 *Mass. H. S. Colls.*, vol. x, pp. 310-313, *Sh. Cor.*, vol. i, pp. 232-234; Pepperrell to Shirley, July 17, 1745, 6 *Mass. H. S. Colls.*, vol. x, pp. 329-331, *Sh. Cor.*, vol. i, pp. 250-251.

of Pepperrell's authority involved but also the enthusiasm of the New Englanders against the French. This led to a suggestion from Shirley to Pepperrell that he should not submit to Warren's taking over the command of the place; and he added:

To say the truth I am in great pain for the mischiefs that will ensue to his majesty's service upon such an attempt, which I have mentioned to the commodore, and to prevent the danger of 'em is the chief reason of my coming to Louisburg. You must not have the least thought of quitting Louisburg till we know his majesty's pleasure concerning it. If you should desire to do it, there will be the utmost confusion and disorder, and your king and country and own honour will suffer exceedingly.

Shirley said further he was satisfied that an attempt by Warren to command the land forces "will produce great discontent here as well as in the army, and be very prejudicial to his majesty's service in all the colonies of New England by putting an end to expeditions from hence for his majesty's service." The jealousy already appearing would in such a case "soon burst out, I am afraid, into an unquenchable flame."

This view is to be contrasted with Warren's declaration that if he remained at Louisburg he should find it absolutely necessary to assume command of land as well as sea forces "in order to prevent the garrison and territory from falling into the enemy's hands."

Yet Shirley showed that it was no small jealousy which prompted his position regarding Warren by adding:

But I hope he will live to carry one of the most principal flags in England into their harbour [Martinique], as he has carry'd his commodore's into that of Louisburg. He is too valuable a man for his country to lose yet awhile. I have as high an

opinion of his merit as you have, but he is certainly mistaken in the point I have before mentioned.[1]

Shortly after the fortress fell Shirley was busy with schemes for securing permanent English settlers for the island. He thought it might be best peopled by fishermen and others from Massachusetts whom he proposed to attract by land grants, and by temporary exemption from liability for debt, the last only because of the great need for settlers.[2]

The governor proceeded to Louisburg as he had planned and succeeded in preventing an outbreak among the soldiers who were disturbed to find garrison duty necessary if the place were not to be immediately abandoned to the enemy. The discontent had reached an acute stage when he arrived, but by firmness, moderation and tact, the threatened mutiny was prevented.[3]

Louisburg, he wrote Newcastle, needed repairs and completion of the works, much battered by the siege, to guard against efforts at recapture, sure to be made by France. For such an effort they might employ 1,000

[1] For the facts relating to the differences between Warren and Pepperrell, *cf.* Shirley to Newcastle, July 10, 1745, *C. O.* 5 900, 198; Shirley to Pepperrell, July 7, 1745, 6 *Mass. H. S. Colls.*, vol. x, pp. 322-324, *Sh. Cor.*, vol. i, pp. 236-238.

[2] Shirley to Board, July 10, 1745, *Sh. Cor.*, vol. i, pp. 244-245, 246; Shirley's declaration to the Louisburg garrison, Aug. 23, 1745, *C. O.* 5 900, 227.

[3] Shirley to Newcastle, Sept. 22, 1745, *C. O.* 5 900, 221; Shirley's declaration to the Louisburg garrison, Aug. 23, 1745, *C. O.* 5 900, 227; Shirley's second declaration to the Louisburg garrison, Sept. 17, 1745, *C. O.* 5 900, 235. Before leaving for Louisburg he had secured 600 men from Massachusetts, 200 from Connecticut, 150 from Rhode Island (*cf. supra*, p. 269, and note 2) and 120 from New Hampshire to relieve the garrison, while Massachusetts was raising 400 more and Connecticut 300. This made it possible to secure the release of the sick and some especially needed for the frontiers.

French troops in Nova Scotia as a nucleus and rally a force of the French inhabitants and Indians of 7,000 more, with a prospect of drawing perhaps 4,000 Canadians to their aid. These forces with others from France would be capable of a formidable attack upon the place. These conditions led him to propose measures which might be effectual to secure a loyal population in Nova Scotia, and remove a menace to Annapolis, Louisburg and New England.[1]

After doing everything possible for the defense of the place and for the comfort and health of the garrison, he proposed to return to Massachusetts at the end of October[2] leaving 2,250 men in the garrison. He suggested a permanent garrison of 4,000 until English settlers in the neighborhood added to its potential strength, and after that time 3,000.[3]

While at Louisburg he again brought to the attention of the home government his plan for the reduction of Canada. In September he assured Newcastle that it would be easier to raise 10,000 men in the colonies "to go upon an expedition against Canada upon common pay, than 1,000 to be garrison soldiers,"[4] while in the same month the Massachusetts legislature, in an appeal as a result of the expedition, remarked that they hoped the capture of Louisburg "is but the beginning of your majesty's conquests as it renders it much more easy to subject or extirpate your majesty's enemies the French in Canada."[5]

In October Shirley wrote upon the subject at length, re-

[1] Shirley to Newcastle, Oct. 29, 1745, *Sh. Cor.*, vol. i, pp. 281-284.

[2] He did not finally get away until about a month later.

[3] Shirley to Newcastle, Oct. 29, 1745, *Sh. Cor.*, vol. i, pp. 280-281; Shirley to Bastide, Sept. 17, 1745, *C. O.* 5 900, 230; Bastide to Shirley, Sept. 21, 1745, *C. O.* 5 900, 232; ditto to ditto, Sept. 26, 1745, *C. O.* 5 900, 234; Shirley to Newcastle, Sept. 22, 1745, *C. O.* 5 900, 221.

[4] *Ibid.*

[5] Mass. General Court to the King, Sept. 25, 1745, *C. O.* 5 885, 320.

peating and amplifying previous arguments relating to the value of the Canadian fur trade and fishery and adding that since the continent possessed so healthful a climate and had experienced so rapid an increase of population

it may be expected that in one or two more centuries there will be such an addition from hence to the subjects of the crown of Great Britain, as may make 'em vye for numbers with the subjects of France, and lay a foundation for a superiority of British power upon the continent of Europe at the same time that it secures that which the royal navy of Great Britain has already at sea; and this is a remarkable difference between the other acquisitions in America belonging to the several crowns in Europe and this continent, that the others diminish the mother country's inhabitants, as Jamaica, Barbadoes, and the other southern colonies belonging to Great Britain have done, and the Spanish West Indies have done even to the exhausting of Old Spain.[1]

Thus while not able to foresee the American Revolution Shirley recognized with a good deal of insight the remarkable future development of North America.

The governor then presented a plan for the conquest of Canada, by which it was suggested that 20,000 men be raised in the colonies from North Carolina to New England, both inclusive, according to quotas to be fixed by the crown. Of this force one-half or a considerable proportion should go to Quebec by sea, this expedition to be accompanied by a squadron able to blockade the mouth of the St. Lawrence, and by as many regular troops as could be spared. The other army he proposed should attack the "back of the country" some time before the harvest and drive the outlying settlers into Montreal, Quebec, Crown Point and their other strongholds and then block them up. He was confident that by this plan the enemy would be forced to surrender

[1] Shirley to Newcastle, Oct. 29, 1745, *Sh. Cor.*, vol. i, pp. 284-285.

before spring by lack of provisions, while the English forces might easily be supplied with stores from New England and other colonies. Finally Shirley assured Newcastle that he would take no steps without express commands.[1]

Meanwhile the crown had formed plans for garrisoning Louisburg by two regiments from Gibraltar and two regiments of Americans on the English establishment to be commanded by Shirley and Pepperrell, as rewards in part for their respective shares in the expedition.

Pepperrell was also given the unique distinction of being made a New-England-bred baronet, while Warren was made an admiral. Newcastle wrote to Shirley to inform him that the lords justices took "great satisfaction in your conduct" in connection with the expedition and that the king at Hanover had received the news of the victory "with the highest satisfaction." After informing him of the honors conferred upon Warren and Pepperrell, and of the nomination of the former to be governor of Louisburg, Newcastle added:

I cannot conclude without assuring you of the particular satisfaction that it is to me, that one, whom I have so long known, and for whom I have so true a regard, and friendship, has had it in his power to set on foot, and carry into execution, a scheme of such importance as the reduction of Cape Breton to his majesty's obedience, is to the interest of your king and country, and to see how true a sense his majesty and all his faithful servants have of the service you have done upon this occasion. . . . And I am persuaded that his majesty would be

[1] He suggested a force to be apportioned as follows: North Carolina 600, Virginia 2,100, Maryland 1,000, Pennsylvania 2,500, the Jerseys 1,000, New York 4,500, Connecticut 2,100, New Hampshire 700, Massachusetts 4,500, Rhode Island 1,000. All expenses for the expedition save a bounty for enlistment he proposed should be paid by the crown. (Shirley to Newcastle, Oct. 29, 1745, *C. O.* 5 900, 255.) This plan is not included in the extracts of the letter published in *Sh. Cor.*, vol. i, pp. 280-286.

equally disposed to show you any proper mark of his royal favour, as a proof of his gracious acceptance of your services; for which I hope some occasion may soon happen.

He then gave his assurance that upon all occasions the governor would find him ready to promote his interest to the utmost of his power.[1] At Shirley's later request that his reward should not be such as to degrade his services below Pepperrell's, since he believed they had not been esteemed in America inferior to those of anyone else concerned in the expedition [2] he was commissioned to command the first of the two American regiments created.[3]

Upon learning of these developments Shirley generously praised Warren, Pepperrell, the men who had aided in setting the expedition on foot and those who had served well in it. He expressed gratification that Pepperrell and Warren had been rewarded. But underneath the calm surface he was bitterly disappointed. In truth Shirley's recognition, aside from the counterfeit currency of verbiage which those in positions of influence at Whitehall were in many instances accustomed to utter, seemed scanty.

At the end of summer in 1745, after the fall of Louisburg, he sent his son, William Shirley, Jr., to England.[4] Upon his arrival the younger Shirley applied on his father's behalf for his appointment to succeed General Phillips as governor of Nova Scotia and as colonel of the regiment stationed there, upon the decease of the incumbent, then soon expected,

[1] For the plans for garrisoning Louisburg from Gibraltar and the rewards for service in connection with the expedition, *cf.* Newcastle to Shirley, Aug. 10, 1745, *C. O.* 5 45, 193.

[2] Shirley to Newcastle, Sept. 27, 1745, *Sh. Cor.*, vol. i, p. 268.

[3] *Cf.* Shirley's commission as colonel, Aug. 31, 1745, *War Office Papers*, 25 135, 56; Pepperrell's commission, Sept. 1, 1745, *ibid.*, 55; Newcastle to Shirley, Sept. 11, 1745, *C. O.* 5 45, 209.

[4] Shirley to Newcastle, Aug. 3, 1745, *C. O.* 5 900, 220.

giving as the chief reasons for applying for the post that: (1) the preservation of Nova Scotia chiefly depended upon speedily settling it with loyal Englishmen, (2) these settlers must come from New England, (3) Governor Shirley by residing part of the time in Massachusetts could promote such settlement, (4) since the burden of carrying out such a program must fall chiefly upon him as governor of Massachusetts, whoever might be entrusted with the task, he thought it just that the honors and rewards attending it should be his also.[1]

In response to this application Newcastle wrote the governor: "You may be assured, that, when such a vacancy shall happen, I shall not fail to lay your pretensions before his majesty."[2]

Meanwhile the governor wrote to Stone, the duke's secretary, that he had "found so much anxiety, disquiet, and chagrin amidst as great success as could even be wished for" that though he did not feel free to decline any service required of him he desired to be a spectator only of public affairs for the future and spend the few years his impaired health would permit in ease and quiet in England, especially if he might be useful in his majesty's service there.[3]

The original but unrealized intention of the ministry was that the regiments from Gibraltar should reach Louisburg before winter.[4] As they failed to appear Shirley's preparations for holding the fortress till spring were essential.

The plan of the home government for raising the two American regiments from Pepperrell's troops at Louisburg was impracticable, especially as most of the commissions for those regiments were given to Englishmen, under whom the

[1] William Shirley, [Jr.] to Stone, Mar. 9, 1746, *C. O.* 5 900, 165.

[2] Newcastle to Shirley, Mar. 14, 1746, *C. O.* 5 45, 217.

[3] Shirley to Stone, Nov. 13, 1745, *C. O.* 5 900, 280.

[4] Newcastle to Shirley, Sept. 11, 1745, *C. O.* 5 45, 209.

colonials were far from desiring to serve. Consequently Shirley and Pepperrell were obliged to send the few Americans they were allowed to appoint, as recruiting officers as far south as Pennsylvania (English officers being useless for recruiting service in America). Meanwhile the discharge of the New Englanders at Louisburg must await the arrival of troops from some quarter to relieve them, to prevent dangerous weakening of the garrison.[1]

The next spring the Duke of Bedford made the experience with these two American regiments the text for a sermon against creating others there upon the British establishment for the future.[2]

Toward winter, having received no instructions regarding garrisoning Canso, Shirley with the approval of Warren and Pepperrell proposed to withdraw the New England troops and stores there, regarding that place as of less consequence when Louisburg was in English hands. He, however, gave assurances that Warren and himself were taking careful measures for the security of Louisburg and Nova Scotia upon hearing of the assembling of 6,000 Canadians and Indians.[3] Nevertheless in January the garrison was still at Canso, and Shirley was sending supplies to secure them against the French and Indians, who had lately raised the siege of Annapolis.[4]

Returning in November to the subject apparently nearest his heart, Shirley pointed out that raising the men for an expedition against Canada and reaching an agreement between the governments concerned as to plans, would require

[1] *Ibid.*; Fox to Lords of Treasury, July 24, 1746, *T* 1 321. Shirley, however, by May or June had secured over 700 men for his regiment. Shirley to ———, May 10, 1746, *T* 1 321; *ibid.*, June 3, 1746.

[2] Bedford to Newcastle, Mar. 24, 1746, *C. O.* 24 13, 48.

[3] Shirley to Newcastle, Nov. 6, 1745, *C. O.* 5 900, 269. Not printed in the extract in *Sh. Cor.*, vol. i, pp. 287-290.

[4] Shirley to Cutter, Jan. 4, 1746, *T* 1 321.

considerable time. He contrasted the difficulties in the way with the situation met in attacking Louisburg, when he was dealing substantially only with the New England governments and depending only upon Massachusetts, from whom he could be sure of securing 4,000 men.[1]

Writing to the admiralty he urged the conquest of Canada as a means of securing Cape Breton, Nova Scotia, and the whole American continent as far as the Mississippi valley. His plan for conducting it, he added, had been sent to Newcastle, while for suggestions as to naval preparations he referred to Warren, whom he thought the best man to command the sea forces, partly because he would be taken seriously by the colonists and would be especially influential in New York.[2]

A little later he reported that at a conference with the Six Nations at Albany in which representatives of New York, Massachusetts and surrounding colonies took part, those powerful tribes had been reclaimed to the English interest and declared themselves willing to take up the hatchet against the French. Thus a vital influence which seemed to flow directly from the success at Louisburg favored a successful attack upon Canada.[3]

Meanwhile he reported to Newcastle that the situation in Nova Scotia was threatening, both because of the palpable lack of loyalty of the French inhabitants and because of the prospect that the French would choose Annapolis as the objective for a strong attempt in the spring, in hopes of offsetting the loss of Louisburg. He also had news from Clinton at New York that the French had plans for following the recent destruction of Saratoga by the taking of Albany (which would undoubtedly result in the defection of

[1] Shirley to Newcastle, Nov. 6, 1745, *C. O.* 5 900, 269.

[2] Shirley to Admiralty, Nov. 16, 1745, *Ad.* I, 3817.

[3] Shirley to Newcastle, Nov. 20, 1745, *C. O.* 5 900, 275; Wraxall, *op. cit.*, pp. 241-242, 244.

the Six Nations) and for a general attack upon the frontiers of New York, New Jersey and Pennsylvania.

He then remarked that "it is a point settled in New England that if we don't drive the French off the continent, they will one day drive the English settlements into the sea," adding that at least there would be a struggle for mastery of the continent, as a quiet partition seemed hardly possible. He believed, however, that Canada under English control combined with the existing English colonies could be maintained at less expense than the latter alone.[1]

In January the governor was in the midst of plans for immediately utilizing the Iroquois and the forces of the neighboring colonies against the enemies most accessible to each. But this plan did not come to fruition.[2]

By the following month the recruits who had been promised from home for Annapolis the preceding year had reached Boston, with stores for that garrison.[3] At the same time Shirley was bringing to bear upon the ministry at home cumulative masses of information relating to conditions in Nova Scotia, stressing once more the need for securing the subjection of the French inhabitants.[4] Thus after his great success at Louisburg Shirley came to the eve of another campaign without news of the attitude of the home government toward his plans for it.

[1] For Shirley's summary of conditions and prospects at this time, *cf.* Shirley to Newcastle, Dec. 23, 1745, *C. O.* 5 900, 289.

[2] For the facts regarding this plan, *cf. Jour.*, Jan. 21, 1746, p. 164; Jan. 23, 1746, p. 167; Jan. 28, 1746, p. 174; Feb. 4, 1746, p. 182; Feb. 11, 1746, p. 189; Shirley to Wentworth, Jan. 12, 1746, *N. H. Pr. Ps.*, vol. xviii, p. 253; *ibid.*, Jan. 27, 1746, p. 254; Shirley to Wentworth, Jan. 20, 1746, *Sh. Cor.*, vol. i, p. 302.

[3] Of the 206 who sailed from England, however, there were not over half remaining, after a severe attack of scurvy, who seemed capable of becoming effective for the garrison. Shirley to Newcastle, Feb. 11, 1746, *C. O.* 5 45, 8; Shirley to Yonge, Feb. 10, 1746, *T* 1 321.

[4] Shirley to Newcastle, Feb. 11, 1746, *C. O.* 5 45, 8.

# CHAPTER XV

## Measures for the Conquest of Canada

While affairs in America thus halted to permit plans for future action to be evolved the mill of the "lords" ground with its accustomed lack of speed and precision. This fact appeared in the middle of March in letters from Newcastle to the several governors in North America, stating that in case the ministry judged it advisable to attack the French settlements there, they should take the proper measures for raising a body of men within their respective provinces for that service.[1] At the same time Commodore Knowles was named to succeed Warren as governor at Louisburg, thus releasing the latter to serve as the commander of any naval forces which might be assigned to such an expedition.[2]

To Shirley Newcastle sent assurances that his letters had led to continued approval of his conduct. He hoped the regiments from Gibraltar were now at Louisburg, and added that Major-General Frampton's regiment was being prepared to join them with large supplies of ordnance stores. Warren, he said, had been ordered to consult with Shirley in Boston,

in what manner his majesty's squadron may be employed with the greatest probability of success, in making any further attempt upon any of the French settlements in North America; what number of land forces may be necessary for that purpose, and what number of men may be raised in his majesty's colonies of North America. And His Majesty will ex-

[1] Newcastle to Governors in America, Mar. 14, 1746, *C. O.* 5 45, 1.

[2] Newcastle to Shirley, Mar. 14, 1746, *C. O.* 5 45, 217.

pect with impatience to receive yours and Mr. Warren's opinion upon this point. . . .[1]

This was nearly seven weeks after Shirley's plan for the conquest of Canada sent in the preceding fall (the receipt of which the duke now acknowledged) had been in his hands.[2]

Shirley and Warren drew up the plan suggested, with the natural consequence that it arrived too late to be of use for the campaign contemplated, whereupon it was considered at the beginning of the following year.[3]

Meanwhile the admiralty was engaged in digesting the papers already sent by Warren and Shirley and what other information was available upon the project for reducing Canada. The result of this research was a lengthy statement on March 24, 1746, from the Duke of Bedford, first lord of the admiralty, to Newcastle upon the whole proposition. Discussing at the outset the chief results to be expected from the conquest of the French continental colonies, he concluded: (1) this would forever secure for England the whole fish and fur trade there and would increase her sea forces; (2) it would leave the French unable to supply their sugar islands with provisions, lumber and other articles necessary for sugar and indigo works. Those French industries would thus be ruined or it would be possible for English competitors to undersell them in European markets; (3) the trade of old France would be greatly reduced; (4) France would no longer be able to build warships in America, nor to procure masts except from the "Eastland country." Her naval power would thus be kept within limits and England would be relatively strengthened in that respect; (5) it would make all the English possessions in North America

[1] Newcastle to Shirley, Mar. 14, 1746, *C. O.* 5 45, 217.

[2] Shirley to Newcastle, Oct. 29, 1745 (indorsed date of receipt, Jan. 25), *C. O.* 5 900, 255.

[3] Cabinet notes, heads of business, Jan. 1747, *S. P. D.*, Various.

secure from the inroads to which they were now exposed. Especially, it would secure the mast country to England and would allow the better settling of eastern New England and Nova Scotia, the latter of which was then much exposed.

Bedford observed that all the suggested plans agreed in proposing to have regular troops in America as early as the ice was out of the St. Lawrence, and the season sufficiently advanced for forces to take the field. This he thought would be by the end of May or the first of June, by which time he hoped the troops, train of artillery, stores, victuals and all necessaries might be in that stream.

All these plans also proposed that troops be raised from all the colonies north of the Carolinas to be paid by the crown. The total and the quotas would depend much on the number of regulars to be sent from England upon whom he placed the chief reliance. The American troops he thought would be of great service (if supported by regulars) for scouring the woods "and making war in the American manner." He therefore suggested that the governors of all the governments to the north of the Carolinas be ordered to raise men in as large numbers and as rapidly as possible. Those raised in New York and southward should rendezvous at Albany to proceed by land against Montreal as soon as they were informed that the English fleet was in the St. Lawrence. They were to serve under commanders to be named by the king.

For the naval portion of the expedition he thought that in addition to the considerable fleet already in North American waters, a reinforcement could be sent from England to make up a squadron of nearly twenty ships-of-war besides bomb vessels and fire vessels. He hoped, also, for colonial vessels, which with whale boats and other small craft would be of infinite service by going ahead of the fleet in the St. Lawrence, especially as pilots for that stream were scarce and not very dependable.

Bedford said the terms proposed by Shirley's plan of October 29th for the troops raised in America, in accordance with which the Americans would pay only for recruiting them while the troops would have all the plunder and a bonus of captured lands, and would also retain their arms, were "such as I believe could never be agreed to by this country." He added that even if he believed the scheme practicable, which he did not, he should have great objections to it, both because he was unwilling to trust this important affair wholly to American regiments, after the experience they had had with them, and on account of

the independence it may create in those provinces towards their mother country, when they shall see within themselves so great an army possessed in their own right by conquest, of so great an extent of country, which tho to be enjoyed by them, is yet to be attained at the expense of their mother country, who is to arm, pay, cloath and subsist them.

He proposed to obviate these and many other objections to Shirley's plan by placing the chief reliance

upon your fleet and the troops you will send from hence, and to look upon the Americans, only as useful troops, when joined to battallions of your own which you can trust, but not to be depended on when singly by themselves either to make head against an army of the enemy, or to form a regular siege; but to be employed in scouring the woods, driving the enemy's cattle, and breaking up their plantations and settlements, which has been a kind of war they have been accustomed to.

Thus spoke the head of the admiralty upon the morrow of a successful siege of one of the strongest existing fortresses, conducted by land wholly by the colonial troops he thus characterized. This had been made possible by the blockade maintained by British naval forces, but those forces had not otherwise directly contributed materially to the operations

against Louisburg. The real implication of his suggestion seems to have been that he feared the Americans would conquer too much rather than too little.

Bedford believed that his proposals would obviate objections made by Admiral Warren against undertaking the expedition during 1746. Warren's chief objection was that the settling of quotas and the other preliminaries to the raising of so large a force in America could not be completed in time. In case Bedford's plan was followed enough troops to suffice would be sent from England and raised on short notice in the colonies.

Bedford was strongly for immediate action, continuing: "I believe I may in general venture to affirm, that half the expence and trouble properly staked now, will go farther towards obtaining what we hope and wish for, than the double of it will the next year." Then the French would probably have strengthened their fortifications, collected stores and provisions, and above all, cultivated the Indians, resulting probably in alienating the Iroquois if the English had not meanwhile followed up the success at Cape Breton.

He was informed that the whole standing French force in America in time of peace was only thirty companies of twenty-five or thirty men each, not exceeding 900 men. He thought that with the St. Lawrence blocked the country could be forced to surrender for want of provisions by operations from Albany. He therefore urged Newcastle, in case his plan or any part of it was approved, to consult with the ablest land and sea officers and to submit his recommendations to the king, so that if they were approved, immediate orders might be given for carrying them into execution, "as I think the success of it greatly depends (I may say wholly) upon not being prevented by the alertness of our enemies." [1]

[1] For this very informing document, *cf.* Bedford to Newcastle, Mar. 24, 1746, *C. O.* 42 13, 48.

Thus it appears that Bedford, while very far from possessing the viewpoint of the Americans, manifested some insight into American tendencies. Nevertheless his clear comprehension of some important factors of the American problem was vitiated by what seemed to be a thoroughly English inability on his part to grasp others. Thus he proposed to obviate the difficulties in the way of raising troops by quotas by, abolishing quotas and leaving each government the judge of its own capacity in that respect with full opportunity for shirking and evasion. He was perhaps similarly unpractical in demanding of the ministry, equally lacking in real interest in the problems of the American war and in energy to execute plans for solving them, a largeness and promptness of action wholly exceeding any reasonable expectation of their performance. Bedford's attitude toward the matter also displays not only an attempt of the head of the navy to play the role of an expert in military affairs, but also a pronounced effort on his part to overshadow Newcastle and the other members of the ministry, whose supineness perhaps invited the presumption.

This matter seems to mark the beginning of an abiding suspicion on Bedford's part that Shirley was not sufficiently zealous for imperial interests when they were in competition with those of the colonies. In this later period also he displayed a tendency to oppose the governor's policies. Possibly he thought the latter presuming to suggest so voluminously how the war could be won. Perhaps, however, Bedford's opposition was quite as much to Newcastle as to Shirley.

The matter was brought up in the cabinet on April 3d, and a plan which was apparently a compromise between those suggested by Shirley and Bedford respectively was in general approved.[1] By April 9th, the plan for the ex-

[1] Cabinet notes, Apr. 3, 1746, *S. P. D., Var.*, bundle 5.

pedition had been approved in final form. The scheme provided for 4,000 regular troops to be commanded by Lieutenant-General St. Clair, which with supplies of all sorts were expected to sail from England for Louisburg under convoy of five men-of-war of the line, a fire ship and a bomb vessel, by the end of April or the beginning of May.

Newcastle wrote to the governors of the New England colonies directing them to raise as many men as possible to serve in the king's pay and to send them in transports to Louisburg by the middle of May to join the forces under St. Clair there. These forces, in company with any which could be spared from the Louisburg garrison, were to start up the St. Lawrence by the beginning of June for Quebec.

The colonial secretary also wrote to the same governors to secure as many armed vessels as possible to accompany the fleet which was to serve in the expedition under Warren, and also small craft of different sorts to precede the fleet up the St. Lawrence, since the pilotage was difficult and little known to the English. They were also to secure pilots if possible.

St. Clair was to command all the land forces and Warren the squadron, which was to be made up by agreement between the latter and Vice-Admiral Townshend, who was to remain in command of the main squadron detailed for the protection of Louisburg and the Newfoundland fisheries, and to send convoys to Europe.

Newcastle also wrote to Shirley and Pepperrell directing them to hasten as much as possible the completion of their regiments so that they might serve in garrison at Louisburg during the expedition. Shirley was also directed to assist the commissary of stores in contracting for such supplies as were needed.

Lieutenant-Governor Gooch of Virginia was commissioned a brigadier-general and given the command of the troops

to be raised in the colonies south of New England. To secure these forces Newcastle directed the governors of the colonies from Virginia to New York inclusive, to raise as many men as possible to be paid from England and to be at Albany or other rendezvous named by Gooch by June 1st. Thence Gooch was to proceed in accordance with the plan of campaign, under orders from the commander-in-chief of the land forces, to besiege Montreal, or if that was impracticable, to ravage the settlements between Montreal and Quebec with the aid of the Six Nations, for the purpose of starving the garrisons into submission.

As to arms and clothing for the American troops, they were to be provided by the colonial governments, to whom General St. Clair was to make "a reasonable allowance" for that expense. The Americans were also to have a share of the booty and return home at the end of the expedition if they desired.

Shirley was to proceed to Louisburg with the Massachusetts troops to confer and counsel there with St. Clair and Warren, and in case they decided "that any other scheme for the reduction of Canada may be more practicable, and advisable, it will certainly be left to you there to do as you shall think proper in that respect."

Newcastle further explained that the disturbances in England attending the Jacobite rebellion and threats of invasion from France during the preceding year made it impracticable during the winter "to be preparing for an expedition of this kind, which required great armaments by sea and land" which it did not seem likely could be spared from England in the immediate future. But the rebellion had collapsed, France had apparently given up the intention of invading England, and England had further security through operations in Flanders and elsewhere. Therefore

it now seemed both possible and opportune to send a considerable force.[1]

Meanwhile the garrison at Louisburg, from which it was proposed to draw men for the expedition, had been badly affected by sickness and otherwise. More than half of those left in it had either died or were in hospital and those fit for duty were less than 1,000.[2]

About the middle of May Newcastle sent a circular letter to all the governors as far south as the Carolinas directing them to aid St. Clair to the utmost in executing his orders.[3] The orders from England for raising troops for the invasion of Canada reached Shirley May 26th and he at once forwarded packets presumably containing similar orders to the other governors upon the continent as far as Virginia. In writing of the expedition to Wentworth of New Hampshire, Shirley asked his views regarding several points. The aim of these queries might have been to lay the groundwork for a scheme whereby the conquest of Quebec would be committed to the fleet and the British regulars, while the American troops would all or most of them join in a land expedition against Montreal. Or it might be to engage Wentworth's self-esteem as an ally in the raising of troops in New Hampshire, or a combination of these aims.[4] Almost at once Wentworth asked for a fuller statement of the terms upon which the expedition was to be conducted. This

[1] For the steps taken at home in connection with setting on foot an expedition for the conquest of Canada in 1746, *cf.* Plan of intended expedition against Canada, Apr. 9, 1746, *C. O.* 5 45, 243; Newcastle to Shirley, Apr. 9, 1746, *C. O.* 5 45, 229; Newcastle to Warren, Apr. 9, 1746, *C. O.* 5 45, 236; Newcastle to Gooch, Apr. 9, 1746, *C. O.* 5 45, 238; Newcastle to Wanton, Apr. 9, 1746, *R. I. Col. Recs.*, vol. v, pp. 162-163.

[2] Shirley to Newcastle, Dec. 14, 1745, *Sh. Cor.*, vol. i, p. 293; Pepperrell and Warren to Shirley, Jan. 28, 1746, *ibid.*, p. 303.

[3] Newcastle to Governors, May 15, 1746, *C. O.* 5 45, 246.

[4] Shirley to Wentworth, May 27, 1746, *Sh. Cor.*, vol. i, pp. 318-319.

elicited from Shirley, among other things, the fact that the ultimate assignment of troops to service against Quebec or Montreal lay with St. Clair, Warren and himself.[1] A few days later Wentworth had secured provision by the New Hampshire assembly for raising as many men as could be gotten ready to embark by the last day of the following July.[2] As an inducement to men in that province to enlist, Shirley promised to use his influence to have many of them assigned to the land expedition.[3]

Meanwhile Shirley had secured a vote from the Massachusetts general court for raising 3,000 men for the expedition.[4] Thereupon he promptly issued his proclamation for raising the men authorized, upon the terms prescribed by the home government and with provision by the provincial government for a bounty and for necessaries not otherwise available.[5] Soon, also, he had begun issuing beating orders for raising troops.[6] A few days after the vote for raising 3,000 men, something seems to have damped the ardor of the legislature. Hesitancy appeared in a vote to stay further proceedings in relation to providing transports and other necessaries for the troops for the expedition. This Shirley refused to accept without explanation of their

[1] Shirley to Wentworth, May 31, 1746, *ibid.*, pp. 321-322.

[2] This action was taken on June 4th. *Cf. N. H. Pr. Ps.*, vol. v, pp. 430-431.

[3] Shirley to Wentworth, June 6, 1746, *Sh. Cor.*, vol. i, pp. 324-325.

[4] *Jour.*, May 31, 1746, p. 15; *Ct. Recs.*, vol. xvii (5-1), p. 427; *A. and R.*, vol. xiii, p. 594.

[5] Proclamation for raising troops, June 2, 1746. The copy of the document in the *Suffolk Files* 61899, and the printed copy in *C. O.* 5 901, 209, as well as the copy in *Ar.*, vol. lxxii, fol. 718, are free from the error in spelling noted in *Sh. Cor.*, vol. i, p. 324.

[6] Shirley to Stanbury, June 8, 1746, *T* 1 321.

intentions, since the vote seemed to frustrate earlier plans. The vote had already delayed progress and he requested vigorous measures.[1] This tactful prodding was followed by a vote to raise £25,000 for the expenses of the expedition.[2]

It is not strange that doubts appeared as to the future of this expedition—troops for which could be raised in America only at the beginning of summer to cooperate with English forces which had not yet arrived; and plans for which would be decided upon only at the moment that the expedition should be set in motion, by three persons, all of whom were English officials and two of whom were presumably not sympathetic toward colonial forces. All that Shirley could do to turn the energies which he had sought to create for intercolonial action into this new channel could not make the prospect look encouraging. Moreover, Shirley himself had serious doubts; for in a letter to Newcastle while the levies were being raised, he referred to the possibility of a "disappointment in the present attempt for the reduction of Canada."

Nevertheless, the die was cast and the task of preparing for the expedition was undertaken with energy. There was an enthusiasm among the youth of the province for the attempt to destroy the continuing menace to the frontiers. At an early date the lower house thought it necessary to appoint a committee to prevent children under sixteen from enlisting for the expedition.[3] The committee of war of the two houses became the center of measures for equipping the expedition, being empowered by the governor upon re-

[1] *Jour.*, June 10, 1746, pp. 32-33.

[2] *Ibid.*, June 11, 1746, p. 25; *Ct. Recs.*, vol. xvii (5-1), p. 456; *A. and R.*, vol. iii, p. 292.

[3] *Jour.*, June 13, 1746, p. 40.

quest of the two houses, to impress transports, provisions and other necessaries for the forces.[1]

The governor urged members of the legislature when returning home for a recess at the end of June to aid enlistments in their counties. He added that Canada was the Carthage of the northern colonies, and that a merely defensive war against the French and Indians if continued for a few years would be insupportably costly.

But it was necessary to secure the troops even more quickly than a like number had been raised for the Louisburg expedition, if they were to be in time to accomplish their task. Shirley therefore hastened the process by enlisting the men in service on the frontiers, who preferred going on the expedition to service under the province, and then impressed men from the militia to take their places.[2] This caused protest on the part of the house,[3] but Shirley defended his action while promising it should not be carried further.[4]

Meanwhile the pulse of the continent had been rising. However dubious might be the prospects for success, the crown had sent commands for raising troops, they were to be paid by the home government, and the goal was the destruction of the hated French in Canada.

As usual Rhode Island proved a poor gauge for the colonies at large. She voted to raise three companies of 100 men each and to send the colony sloop,[5] but only 100 were made ready to embark.[6]

[1] *Ibid.*, June 19, 1746, p. 51; *Ct. Recs.*, vol. xvii (5-1), p. 475.

[2] *Jour.*, July 15, 1746, pp. 73-74.

[3] *Ibid.*, July 16, 1746, pp. 75-76.

[4] *Ibid.*, July 17, 1746, p. 79.

[5] *R. I. Col. Recs.*, vol. v, pp. 172, 173.

[6] Greene to Shirley and Warren, July 18, 1746, *Sh. Cor.*, vol. i, p. 330, note, *R. I. Col. Recs.*, vol. v, p. 187.

Connecticut acted with her usual moderate zeal by at first voting 600 men, "or more if they shall offer themselves." [1] Getting warmed to the task in hand a few weeks later she increased the number to 1,000, and if any of the companies should be incomplete, the governor was authorized to impress men to fill them.[2]

New York showed her interest by voting 1,600 men.[3]

Although Governor Morris had intimated that the Quaker sentiment of New Jersey had been proof against the temptation to aid in reducing Louisburg, it proved no bar to voting 500 men to help conquer Canada, and a prospective officer who had raised 100 men in excess of those voted was apparently directed to the governor of New York.[4]

Pennsylvania, more consistently non-combatant than her neighbor, provided for no troops, but passed an act granting £5,000 for the king's use.[5] This sum the governor employed in raising four companies of men for the expedition.[6]

Meanwhile Warren went to Boston at the end of June to consult with Shirley. St. Clair had not arrived and the circumstances eloquently proclaimed the necessity of an agreement upon at least a tentative plan. St. Clair was to

[1] *Conn. Pr. Recs.*, vol. ix, p. 211.

[2] *Ibid.*, pp. 231-232, 233.

[3] *Documents Relative to the Colonial History of the State of New York* (Albany, 1853-1887), vol. vi, p. 657.

[4] "Minutes of the Council of New Jersey, Aug. 13, 1746," in *Documents relating to the Colonial History of the State of New Jersey, New Jersey Archives* (Newark, *etc.*, 1880-1918), vol. vi, p. 371; Alexander and Morris to Board, Dec. 24, 1746, *ibid.*, p. 419.

[5] *Min. Pr. Cl. Pa.*, vol. v, p. 49.

[6] *Ibid.*, p. 52. Parkman refers to the raising of these men in full accordance with the indirectly expressed desire of the assembly (*ibid.*, p. 43) and with public money, as being accomplished through a popular movement. Parkman, *A Half Century of Conflict* (Boston, 1892), vol. ii, p. 153.

be appealed to upon his arrival for approbation and was to be asked to come to Boston to save time. Warren and Shirley addressed a circular letter to the different governors pointing out the ripeness of the hour both for striking the French and for raising troops and exhorting them to

consider themselves as one body united in the common cause in which, if any one particular colony should exert itself beyond either its just proportion or abilities, it may (we doubt not) be depended upon that the exceedings of such colony will be made up to it, either by an average to be afterwards settled among all the colonies concerned or by a reimbursement from his majesty or the Parliament of Great Britain.[1]

They also attempted by a method of informal assignment to secure something approaching quotas of armed vessels from the various colonies.[2]

Shirley was then hoping to have the Massachusetts forces ready to proceed by July 20th, and the Connecticut and Rhode Island forces planned to rendezvous at Boston to proceed with them.[3]

Shortly after this effort to spur on the latent energies of the other colonies, Shirley wrote to his patron, reporting progress. He stated that he had collected all the information possible to serve as a basis for a plan of operations against Canada, and had sent copies of his tentative scheme to governors Clinton of New York, Thomas of Pennsylvania, and Gooch of Virginia. He suggested sending a

[1] Shirley and Warren to Greene, July 4, 1746, *R. I. Col. Recs.*, vol. v, p. 185, *Sh. Cor.*, vol. i, pp. 329-330; Shirley to Newcastle, July 7, 1746, *C. O.* 5 901, 14, (not in extract in *Sh. Cor.*, vol. i, p. 332).

[2] *Ibid.*; Shirley and Warren to Wentworth, July 4, 1746, *N. H. Pr. Ps.*, vol. v, p. 818; Shirley and Warren to Thomas, July 4, 1746, *Pa. Ar.*, vol. i, pp. 689-691.

[3] Shirley and Warren to Greene, July 4, 1746, *R. I. Col. Recs.*, vol. v, pp. 185-186; Greene to Shirley and Warren, July 18, 1746, *ibid.*, p. 187.

body of 10,000 men, English and colonial (he hoped the latter might be raised in New England), by way of the St. Lawrence, and a force of 3,000 or 4,000, to be raised outside of New England, by land against Montreal. He advised against attempting to send a larger detachment by the difficult land route, believing that such a force would be adequate for a diversion, to assist those proceeding against Quebec. He thought the transports would be in good season for a campaign up the St. Lawrence if they could leave Louisburg by August 10th. In case the troops and ships could winter in Canada (as to the advisability of which he was undecided) he hoped success might be certain. Other details for which he was providing related to pilots, charts of the St. Lawrence and the maintaining of communications between the different forces.[1]

Shirley believed the capture of Quebec would result in the submission of Montreal before the following spring, and in case neither were taken he was informed troops could be quartered in buildings on the Isle of Orleans near Quebec. He was convinced that an effective blockade of the mouth of the St. Lawrence was essential to success. He estimated the fighting men of Canada as including 500 regulars, 10,000 to 15,000 militia and 500 to 800 Indians.[2]

Meanwhile interesting situations were developing on the European side of the Atlantic. These were, substantially, that France was preparing a large squadron at Brest with a considerable body of troops, and that the British ministry had developed a state of complete paralysis in connection with the proposed expedition. It was not likely that the Brest fleet was aimed at England, and it was more than likely that it was prepared for the task of retrieving the disaster

[1] Shirley to Newcastle, July 7, 1746, *C. O.* 5 901, 14 (not in extract in *Sh. Cor.*, vol. i, pp. 332-334).

[2] *Ibid.*, *Sh. Cor.*, vol. i, pp. 332-334.

to French arms in America during the preceding year, yet inaction pervaded the ministry.

Kilby, the Massachusetts agent, on July 1st presented a memorial urging the need of supporting the expedition in America. For this purpose he suggested that such part of the troops which had been prepared for it as could be spared from other uses should be retained in readiness to proceed to America in case news thence should show they were needed.[1] The troops were for the time held inactive, but were not sent to America.

Meanwhile the absence of direct news left Americans to infer the state of affairs from the unbroken silence of the ministry. A result of the inaction at home was that the levies in the colonies were bringing together bodies of troops without properly authorized heads or effective organization. At the end of July Shirley was apparently still proceeding upon the supposition that the expedition was being seriously intended by the ministry. He then represented to Newcastle that progress was halting, especially because of the lack of commissions, the lateness of the season and a bad impression made by the retaining of American troops so long in garrison at Louisburg. As a result the number raised would not be as large as expected. He now estimated there would be less than 4,000 men from New England and less than 2,800 from the five other governments. He continued with suggestions for a late campaign, lasting through the winter if necessary. He also observed that proper quotas could not be secured until the crown directed them to be raised.

Admiral Townshend, he reported, had paid no attention to the blockading of the St. Lawrence.[2] This policy was perhaps due to a desire to have the ships together at Louisburg, to meet the expected Brest squadron. Shirley sug-

[1] Kilby to Newcastle, July 1, 1746, *C. O.* 5 753.

[2] *Cf. supra*, p. 329.

gested that if it was intended for America it was probably ordered to Canada or Annapolis rather than to Louisburg. In Nova Scotia it would have a convenient base against the latter fortress in a friendly country where numerous allies were to be had. News from Nova Scotia also showed a spirit of defiance on the part of the inhabitants in expectation of an armament from France.[1]

Meanwhile the Massachusetts preparations went on. An increase in the vessels provided for the expedition was made in late July,[2] and at the same time the house refused to listen to the protest of masters against the enlistment of Indian and negro slaves for the expedition.[3] August 5th, Shirley reported to the house that there were "above 2,000 already enlisted and more continually offering themselves." The house, however, refused to take necessary steps for the carrying on of the expedition in the absence of definite information from home that it was to take place, and ultimately they declined to provide for the transportation of Massachusetts troops after October 1st.[4]

Meanwhile the wind seemed to have veered in England, for Kilby intimated in the latter part of August that the expedition had been revived, and claimed to have had as much influence as any private person in bringing it about, "after it was laid aside."[5]

[1] For this effort to adapt the expedition to a winter campaign, *cf.* Shirley to Newcastle, July 28, 1746, *C. O.* 5 901, 17 (extract in *Sh. Cor.*, vol. i, pp. 334-335).

[2] *Jour.*, July 22, 1746, p. 85; July 24, 1746, pp. 90-91; *Ct. Recs.*, vol. xvii (5-1), pp. 533-534.

[3] *Jour.*, July 25, 1746, p. 92.

[4] *Ibid.*, Aug. 5, 1746, p. 95a; Aug. 6, 1746, p. 96a; Aug. 7, 1746, p. 101; Aug. 12, 1746, pp. 107-108; Aug. 13, 1746, p. 109; Shirley to Committee of War, Aug. 9, 1746, *Ar.*, vol. liii, fol. 203.

[5] Kilby to Hancock, Aug. 25, 1746, *Boston Public Library Mss.*, Ch. F, 1, 49.

Kilby, however, was over-optimistic. The resuscitation of the expedition was only apparent. There were forces at work to prevent its proceeding which do not clearly appear. Newcastle afterward made a statement which is far from adequate as an explanation. He declared that the troops for the American enterprise were embarked at Portsmouth by the end of May and were under orders to sail with the first fair wind, but that contrary winds having kept them from sailing for a considerable time, "Admiral Lestock and Lieutenant-General St. Clair about the middle of August last laid before His Majesty their opinion they could not that season get farther than Boston." This was several weeks after the Brest squadron had proceeded to America. The responsibility for the hesitation in the period in which it seemed clearly practicable to get the expedition to sea presumably lay at the door of the ministry. That sapient group of statesmen decided, as Newcastle reported, to have it remain in England until the following spring. It was assumed that upon proceeding then it would be ready to undertake operations "as early in the year as though they had wintered at Boston," and that the troops after wintering in Ireland would be in better condition.

And in the meantime more information was expected from Shirley and Warren to enable the ministry to judge more certainly whether the force provided for the expedition might be sufficient for the end proposed. Therefore all of those officers' letters were carefully examined and considered, and, Warren happening to arrive in England just as this important matter was being discussed,[1] he was called

[1] This was apparently at the end of 1746 or the beginning of 1747, as Warren seems not to have left America until late in 1746. Shirley and Warren to Greene, Boston, Oct. 23, 1746, *R. I. Col. Recs.*, vol. v, p. 195, *Sh. Cor.*, vol. i, pp. 359-361; Shirley to Lords of the Treasury, Jan. 1, 1747, *T* 1 324; Shirley to Warren, Jan. 2, 1747, *Sh. Cor.*, vol. i, p. 376.

in. The king's servants then finding that he believed that more men than had previously been supposed were necessary to success, and that it would not then be possible to raise that many in America in time to proceed that season (1747) the king decided, though very unwillingly, to lay aside the plan for sending St. Clair's expedition to North America.

This was necessary because there had not been time since Warren's arrival nor "any possibility in other respects," to provide in that session of Parliament "for such a great command by sea and land, and such an immense expense as must be incurred by it." [1] Besides, troops were needed for a large force in Flanders, and a further contingent and a considerable squadron were required to defend Holland, which also made it more difficult to send any considerable land and sea forces to America at that time. Therefore, since great and extensive conquests in North America were for the present impracticable, measures were forthwith considered for the defense of the English possessions there and for doing what incidental damage to the French was feasible. A plan for sending a naval force over under Warren had been approved, but the admiralty had represented that in view of a French armament at Brest, the home fleet might be too weak if they were immediately sent. Therefore they would be held, with the exception of two ships of the line, until news had been received that the Brest squadron or part of it had sailed for America. When such news was received Warren would be at once despatched after it, with a sufficient force to defend the English possessions on that continent. This force would include the remainder of Frampton's regiment, a part of which was already in garrison at Louisburg.

Meanwhile the colonies in America were commended to

[1] *Cf. infra*, pp. 346-347.

the care of Shirley and Knowles,[1] who were jointly to plan, supply the wherewithal, and execute; to meet the French forces already in America, and to be prepared to meet any coming from Europe. Nova Scotia and Louisburg were to receive their especial guardianship. But as "the expense of these Americans [who had been raised for the Canada expedition in the preceding year] is very great" it was directed that aside from such as might be needed in addition to other forces there for protecting those places, which Newcastle hoped would be "a small number," Shirley and Knowles should "thank them in such manner as you think proper, and immediately discharge them upon the best and cheapest foot you can." They were to consult with the different governors upon the manner of doing it, and to send home an immediate account of their proceedings. Upon receiving their report with vouchers, the accounts would be laid before Parliament for payment. They were especially enjoined to discharge the men "as cheap as possible." It was intimated that the men who had not marched out of their own colony, should not receive full pay.

As a seeming step toward the defense of Nova Scotia Lieutenant Governor Mascarene was to be ordered by the secretary at war to follow his previous custom of obeying orders from Shirley and Knowles in matters referring to the defense of his province.

Further, as the treasury was complaining that bills drawn upon them in America were very irregular, Shirley and Knowles were directed that no further draught be made in that manner.

Evidently aside from the limitations already noted Shirley and Knowles were to have *carte blanche,* for Newcastle added:

It is impossible to send you more particular directions for

[1] Warren's successor as governor at Louisburg.

your conduct; his majesty's view and intention is, that you should with the force you have, put Acadia and Louisburg in the best condition of defense, and if the enemy send any force from Europe, to make any new attempt in North America, in that case, Rear-Admiral Warren will immediately follow them.

Having presented these necessary details the duke turned to regrets and appreciation. It was impossible to send word until it was finally determined what to do in America that year, "and as that has varied often and necessarily changed, according to the preparations carrying on by the French in Europe . . . ," it would have been useless to have written sooner.[1]

However, the colonial secretary was deeply regretful that the attempt upon Canada had proved impracticable for that year and observed "that would have been a glorious work."[2]

Thus the ministry reached their first stable decision regarding the proposed conquest of Canada, that no con-

[1] After reaching the conclusion that the season was too far advanced to allow the expedition to proceed in 1746, it had been decided by the ministry to use its forces for a descent upon the coast of France, and then to utilize them for the following year in America. Admiral Lestock's Instructions, Aug. 26, 1746, *Hardwicke Papers, Miscellaney Mss.*, 75, 6, *New York Public Library.*

The degree of despatch employed by Newcastle is illustrated by the fact that not only had Admirals Anson and Warren, who were referred to in the beginning of the letter as preparing for sea, met a French fleet and captured six men-of-war and some armed Indiamen in part destined for America before its close, but the duke was able to enclose an account of the engagement printed by authority. This victory, however, made a further attempt by the French to send an armament to America that year improbable. A few transports escaped, but Newcastle believed that they had few or no troops, and were accompanied by no ships of force. For an account of this engagement, *cf.* Anson to Stone, May 28, 1747, *C. O.* 5 901, 124; *Boston Weekly Post Boy*, Aug. 3, 1747.

[2] For this belated conclusion of an unattempted enterprise, *cf.* Newcastle to Shirley, May 30, 1747, *C. O.* 5 45, 247 (extract, *Sh. Cor.*, vol. i, pp. 386-389); Newcastle to Knowles, *C. O.* 5 45, 258.

quest should for the present be attempted, more than a year after giving orders that it should forthwith be undertaken.[1]

Meanwhile Shirley and Warren were left for several months after it was apparent that no expedition could proceed in the year 1746 with no explanation of the situation and with no instructions for their conduct. When Warren returned to England, presumably to use his personal influence to secure adequate provision for the conquest during the succeeding season, Shirley was left the sole trustee in America, of the crown's discretion regarding such an expedition. He was then allowed to remain uninformed for many months longer before the truth, which he could not fail to suspect, was verified, on Aug. 14, 1747, by a letter from the ministry.[2] And while awaiting this notification the troops were neither in service nor out of it, but a great burden upon the colonies, and the lack of action was a source of irritation to the people.

At the time that Kilby was sending what proved unreliable news to America the plot was thickening there. This was apparent when news reached Shirley at or just after the time of his struggle to secure the embarkation of the expedition, that some French men-of-war had entered the St. Lawrence, and that several of their transports were expecting to rendezvous in Bay Verte in Nova Scotia, thereby menacing Annapolis and the rest of the peninsula. He foresaw that the occupation of Nova Scotia would enable the French to bring against Louisburg a force twice as large as that which took it from them. He had also heard that some French vessels had entered "Jebucto"[3] harbor to aid the French inhabitants to erect fortifications there. These developments led him to urge Admiral Townshend in com-

[1] *Cf. supra*, pp. 321-322.

[2] Shirley to Clinton, Aug. 15, 1747, *Sh. Cor.*, vol. i, p. 393.

[3] More often spelled Chebucto. It is the site of the present Halifax.

mand of the fleet at Louisburg to take steps to prevent the French from getting a footing at Chebucto, Bay Verte, or any neighboring harbors, to suppress the French inhabitants in Nova Scotia, and to protect Annapolis.[1]

With this compulsory change in the character of the campaign, the attempt upon Canada was abandoned in America, unless the home government should revive it.

[1] Shirley to Townshend, Aug. 14, 1746, *C. O.* 5 753.

## CHAPTER XVI

### The Change of the Tide in America

Shirley now seemed securely hobbled between the proceedings of the ministry and those of the general court. Possibly that condition was not unwelcome to most of the ministry, for his exploit at Louisburg had been more applauded than rewarded. Moreover, Bedford, who obviously had much influence in war policies, had shown clearly that the demonstration of independent power given by New England on that occasion was regarded with jealous distrust by him. Possibly, underneath the unconscionable indecision which the ministry were apparently displaying, Bedford and perhaps others were not unwilling that matters should be so shaped in America that the aggressive Shirley should not be able to play too fully the part of a Caesar in the Canadian Gaul.

It is possible that the provision of the plan of campaign suggested by Bedford, that the American levies should be raised without quota,[1] whereby it was made as certain as any merely administrative device could well make it that the troops raised from the colonies should by themselves be inadequate for the task of duplicating in Canada the coup at Louisburg, was not based upon stupidity but upon shrewd foresight. There were, indeed, embarrassments connected with the Brest squadron and otherwise which may explain to an extent the delays in England. These difficulties, however, do not throw any appreciable light upon the behavior of the

[1] *Cf. supra*, p. 317.

English government toward the American project. They directed the assembling of a large army in America, postponed for a year the plan in which that force was to play a part, and meanwhile left the men responsible for preparations in America for months without an inkling as to whether the plans had been changed or abandoned.

It is not to be supposed that there was real suspicion of Shirley's loyalty to the home government, but there was undoubted distrust of the means which he was employing in its service.

While busy with the difficulties about him Shirley, who had evidently become convinced that another campaign would be needed to win Canada, drafted both a report upon the present operations and a suggestion of future lines of procedure. He stressed particularly the fixing of suitable quotas for the different colonies, and especially for those south of New England, since they had notoriously shirked in the campaigns of the last two years.

He reported further that Warren and himself agreed that the conquest of Canada could not be successfully accomplished with less than 20,000 men, 18,500 of whom should go by sea to the St. Lawrence, where 10,000 should besiege Quebec, 8,000 go on to take Montreal and 500 in small vessels hold the river between those places open to the English and closed to the French. To insure success the following year, if the expedition devised for this year did not proceed, he suggested that directions be sent to all the governments to have assigned quotas filled, by impressment if necessary, and to transport the men to Louisburg by a fixed date early in the spring, to join a fleet and regular troops in an attack upon Quebec.[1]

Shortly after this Shirley was moved to write to New-

[1] Shirley to Newcastle, Aug. 22, 1746, *C. O.* 5 901, 126.

castle again by a report that Admiral Knowles, governor at Louisburg, had advised the home government to demolish the fortifications there, to fill up the harbor, and to abandon the island, and that he was expecting orders to do so. This led Shirley to observe that there was another very good harbor at St. Ann's on the east side of the island, which might be fortified by the French with the same strength and ease as Louisburg had been. At the same time he pointed out that Crown Point was clearly within the limits of the English colonies. This stronghold commanded the approach to Montreal by way of Lake Champlain and the Indians were issuing thence and harassing the frontiers of New England and New York. He therefore suggested, in case it should not be captured before the war ended, that it might be stipulated in the treaty of peace that it be turned over to the English. He further urged that the English insist that their limits extend as far north as 48° north latitude, according to the limits of the grant by King James to the Council of Plymouth.[1]

The irresolution of the English policy in America was so patent that it could not escape the notice of the French and Indians upon the frontiers, and this, combined with the news of large preparations in France, naturally stimulated aggression. Even as Shirley and Warren, in search of expert advice, consulted Stoddard,[2] his frontier was the scene of the heaviest attack which had come upon it during the war. Earlier raids upon the frontier facing Crown Point and Canada were now followed by an attack in con-

[1] Shirley to Newcastle, Aug. 24, 1746, *Sh. Cor.*, vol. i, pp. 339-341. It appears by Harrington to Trevor, June 20, 1746, that England had been negotiating for the return of Cape Breton to France for several months before Shirley wrote. *Hardwicke Papers, Miscellaney Mss.*, 77 13, *New York Public Library.*

[2] Warren and Shirley to Wentworth, Aug. 25, 1746, 6 *Mass. H. S. Colls.*, vol. x, p. 482, *Sh. Cor.*, vol. i, p. 345.

siderable force directed at the chief Massachusetts fortress protecting the Housatonic and Connecticut valleys. The garrison at Fort Massachusetts, in the present town of Adams held out gallantly against 500 French [1] but were forced to surrender when their ammunition was exhausted.[2]

This disaster emphasized the nature of the issue which Shirley had already recognized as something different from the conquest of Canada. Canada, thanks to the watchful waiting of the English ministry, was beginning to conquer Massachusetts. Hence, a few days later, Shirley cut the Gordian knot in a message to the legislature. He announced that as there was no news of the sailing of the British troops it was probable that they had not sailed by the middle of June. He added that Admiral Warren and himself were informed by persons acquainted with the St. Lawrence [3] that it was too late in the season to attack Quebec with reasonable hope of success. As the American forces were raised, were in the king's pay and almost ready for action, he believed it within the instructions and the general plan of operations for General St. Clair, Admiral Warren and himself to direct an attack upon Crown Point, the key to Canada on the land side.[4] He added that, barring sudden instructions to the contrary, Admiral Warren and himself, in the absence of St. Clair, had decided on this plan.[5] This at-

[1] Lydius to Stoddard, Nov. 24, 1746, *C. O.* 5 901, 90.

[2] August 20, 1746. Daniel Warren to the General Court, Nov. 4, 1747, *Ar.*, vol. lxxiii, fol. 4.

[3] Colonel Stoddard of Massachusetts and Colonel Atkinson of New Hampshire. *Cf. supra*, p. 340, note 2.

[4] Shirley had suggested this plan to Warren. Shirley to Newcastle, Aug. 22, 1746, *C. O.* 5 901, 26.

[5] The carrying out of this plan was made simpler from the administrative point of view when Lt.-Gov. Gooch sent word early in August that his health prevented him from taking command of the troops from

tempt, if successful, would be a great protection to the western frontiers against the Indians. It would also prevent the disaster of a defection of the Six Nations, and put them into active service.[1] Shirley also expressed the hope that the success of this expedition would facilitate the conquest of Canada during the following year.[2]

The immediate result of this message was feverish activity by the house to prevent any unnecessary expense through the clearly defunct expedition against Canada.[3] Shirley and Warren had already appealed to New Hampshire, Rhode Island and Connecticut for their cooperation in the expedition thus announced.[4] Shirley also requested Clinton to get artillery in readiness for use against Crown Point, and proposed to send ordnance stores from Massachusetts.[5]

In a few days Shirley returned to the subject and announced that commissioners sent by Massachusetts to Albany[6] had succeeded, jointly with New York, in making a

the more southern colonies. Thereupon, Brig.-Gen. Waldo of Massachusetts, a hearty supporter of Shirley's policies, was named by the latter and Warren to succeed him. Warren and Shirley to Newcastle, Oct. 16, 1746, *C. O.* 5 901.

[1] *Jour.*, Aug. 27, 1746, p. 116.

[2] Shirley to Newcastle, Aug. 22, 1746, *C. O.* 5 901, 26.

[3] *Jour.*, Aug. 28, 1746, p. 117; Aug. 29, 1746, p. 119.

[4] Warren and Shirley to Wentworth, Aug. 25, 1746, 6 *Mass. H. S. Colls.*, vol. x, pp. 482-485, *Sh. Cor.*, vol. i, pp. 342-345; Warren and Shirley to Greene, Aug. 25, 1746, *Cor. Col. Govs. of R. I.*, vol. ii, pp. 3-8; Whipple to Shirley and Warren, Aug. 29, 1746, *ibid.*, pp. 8-9; Warren and Shirley to Law, Aug. 25, 1746, *Conn. H. S. Colls.*, vol. xiii, pp. 288-292; Law to Shirley and Warren, Sept. 2, 1746, *ibid.*, pp. 292-294.

[5] Warren and Shirley to Wentworth, Aug. 25, 1746, *Sh. Cor.*, vol. i, p. 345.

[6] Shirley found difficulty in securing action by the general court approving the sending of these commissioners to Albany with suitable presents to the Indians and full authority to act. No other colony provided similar presents except Virginia, which voted £400 sterling for that purpose. Shirley to Newcastle, Aug. 22, 1746, *C. O.* 5 901, 26.

treaty with the Six Nations, by which the latter were to co-operate against Crown Point.[1] He therefore asked prompt provision for the campaign against that place. To give point to his appeal, he declared that the presence of the French there caused the bad conditions upon the western frontiers exemplified by the disaster at Fort Massachusetts, and the plundering at Northampton, of which he had received information by letter the night before.[2]

Thereupon the legislature provided for transporting 2,000 men to the Hudson river.[3] By a later vote, however, the provision was to be for 1,500 men only.[4]

A complication appeared when Shirley proposed that in view of the preparations being made by the French, seemingly against Annapolis or Louisburg, men raised for the Canada expedition who were not fitted for long marches in the woods should be detached for service in the defense of these places. They were to be joined with others whom he hoped to secure from New Hampshire and Connecticut. He also hoped to secure a naval force, in part from Admiral Townshend, to accompany them in an attack upon the French in Nova Scotia before the latter became too strong.[5]

The legislature, however, failed to respond, and Shirley brought the subject up again a few days later with solemn emphasis. He explained that the crisis in Nova Scotia

[1] Wraxall, *op. cit.*, pp. 247-248.

[2] *Jour.*, Sept. 3, 1746, pp. 122-123.

[3] *Ibid.*, p. 124.

[4] *Ibid.*, Sept. 12, 1746, p. 138.

[5] Mascarene had lately written that he had only about 220 effectives in his garrison and that many of the recent recruits from England were of little value. As his barracks would hardly hold more, his plan was to use troops in the field, thus avoiding the crowding of quarters. Mascarene to Shirley, Aug. 20, 1746, 6 *Mass. H. S. Colls.*, vol. x, pp. 479-482 (extracts, *Sh. Cor.*, vol. i, pp. 337-339). For Shirley's proposals to the legislature, *cf. Jour.*, Sept. 5, 1746, pp. 127-128.

was not known when the enterprise against Crown Point was proposed. He had now learned that thirty French officers, including the Chevalier de Ramsay, an officer of distinction from Canada, were in the district of Menis, and that several French transports had gone to Bay Verte, while two large French ships were at Chebucto. The evidence altogether was conclusive that an attack on Annapolis was in preparation.[1] He believed the French forces could be dispersed without difficulty, but that if left undisturbed they would win over the French inhabitants and make a formidable attack upon the garrison with the support of artillery, besides creating fortified positions by which to hold the rest of the country. He sketched the disastrous results to the English from such neglect in connection with Maine, New Hampshire, the mast country, the fishery, and the attitude of the Indians. He even prophesied, in case Nova Scotia were lost and New England could not regain it, that the crown might be forced, if possible, to exchange Cape Breton for it, to again secure a barrier for New England against the French. As to the Crown Point expedition, he hoped there would be forces enough to carry on both that and one against the French in Nova Scotia.[2]

The reply of the general court voiced profound discouragement. They had gone as far in taxing the financial and fighting strength of the province as the people could bear; they were now scarcely able to resist the attacks of the French and Indian enemy. However, if Shirley wished to employ part of the forces raised for the Canada expedition in Nova Scotia the legislature did not object, provided that

[1] That Shirley's deduction of the nature of the plans of the French was probably correct appears by Vice-Admiral Anson to Stone, May 28, 1747, *C. O.* 5 901, 124. The reference is to the campaign of the following year, but it is probable that operations were planned on the same lines in 1746.

[2] Sept. 9, 1746, pp. 131-134, *Sh. Cor.*, vol. i, pp. 346-349.

1,500 men were sent against Crown Point, that none of those going to Nova Scotia be kept there after the campaign had closed, and that the expenses of the expedition should not fall upon the province.[1]

Meanwhile Shirley wrote a letter to Mascarene for the purpose of having it published among the people of Nova Scotia, to assure them that he knew nothing of a rumored plan of the English government to deport them generally from their homes. He added that he would properly represent their case to the king to secure his favor and protection for those who were loyal and peaceable. He stated, however, that if disloyal they must expect the same treatment that would be accorded other English subjects under the same circumstances.[2] By this means he reduced the probability of revolt on the part of the French inhabitants, and therefore the need for English troops.

Just at this juncture, when the absence of English forces seemed to be reducing Shirley almost to his role of 1744 as the guardian of Nova Scotia, a new factor suddenly disturbed all calculations. The campaign which was expected to develop a supposedly triumphal thrust by England at the vitals of Canada now disclosed a French Juggernaut ready to ride ruthlessly over the English colonies. Shirley had foreseen, what the English ministry apparently refused to credit, that France would not accept the loss of Louisburg without an earnest effort to retrieve herself. To be sure, the home government learned that a French fleet from Brest and elsewhere had put to sea about June 20th.[3] Admiral Les-

[1] *Jour.*, Sept. 10, 1746, p. 135, *Sh. Cor.*, vol. i, p. 350.

[2] Shirley to Mascarene, Sept. 16, 1746, *Sh. Cor.*, vol. i, pp. 354-355.

[3] Townshend and Knowles to Shirley and Warren, Sept. 11, 1746, *Conn. H. S. Colls.*, vol. xiii, pp. 301-302; Deposition of Lawrence Payne, Sept. 19, 1746, *C. O.* 5 901, 48. Payne, who had been a prisoner at Hispaniola, had heard the news of their approach there.

tock was expected to pursue it with an English squadron but was diverted from that task to join with St. Clair in an expedition to the French coast, where they were to create a diversion in favor of the forces in Flanders.[1]

It cannot be supposed that Shirley counted implicitly upon a serious effort from home for the conquest of Canada, either before or after the English government directed that it should be undertaken. His original plan was devised with the intention of making dependence upon such assistance largely unnecessary. What might have been accomplished under such a plan, had it been accepted without qualification at home and adequate quotas assigned to the different colonies, cannot be stated. However, it is not possible to doubt that the English colonies would in that case have been in a better position to meet the crisis now approaching than that in which they were after the mischievous alteration, if not deliberate obstruction, by the English government.

In view of what must have been Shirley's mental reservations regarding the action at home it seems probable that his zeal in continuing enlistments after the probability of an effective expedition was past, his urgency that the troops be transported to Louisburg, and then that transports be fitted out for use when required, the proposed expeditions against Crown Point and against the French in Nova Scotia, all had in view the stimulating of the colonists to raise, equip and maintain in the field as adequate a force as possible, and in as favorable a situation as possible, either for an expedition against Canada, or to meet the French onslaught which he foresaw in case the English allowed the initiative to pass to their opponents.

It was now about to be demonstrated that such preparations were those which the French plans would suggest.

[1]Admiral Lestock's Instructions and Journal, *Hardwicke Papers, Miscellaney Mss.*, 75 6, 7, *New York Public Library.*

The French fleet had a long passage but approached the coasts south of the Gulf of St. Lawrence about September 1st. The English at Louisburg seem to have received, on September 8th, the earliest news reaching any place of importance, of the presence of a large French squadron in their vicinity.[1] Their information indicated a very large armament under the Duc D'Anville, including eighteen warships and numerous transports, in the total nearly seventy vessels. It was reported also that there were 8,000 troops aboard.[2] It appeared that the immediate danger was somewhat lessened by the fact that there had been much sickness and a large number of deaths in the long passage. The fleet, also, had been scattered by a storm just before reaching the coast, whereby one small vessel had been wrecked on the Isle of Sable. Thus far, no indication of the destination of the expedition as a whole was available, and Townshend sent a ship along the shore of Nova Scotia to seek in its harbors further information. He likewise hastened to strengthen the defenses of Louisburg and to notify Shirley that if the attack were against Massachusetts he would send all the aid he could spare.[3]

[1] One French vessel was taken on August 25th while trying to enter the St. Lawrence; another bound thither was wrecked on the Isle of Sable, September 3d. A Marblehead fishing boat saw three large warships in adjacent waters on September 7th. Townshend and Knowles to Shirley and Warren, Sept. 11, 1746, *Conn. H. S. Colls.*, vol. xiii, pp. 301-302.

[2] Another report which reached New York a few days later credited D'Anville with having 26 warships and 40 transports carrying 15,000 troops, and with bringing with him siege equipment and all the French prisoners sent to France after the surrender of Louisburg. Later reports by prisoners held by the forces under D'Anville put the number of his ships higher, one witness saying there were 97 at the start, including 30 men-of-war. The same person estimated the troops at 7,000 or 8,000. Declaration of Sanders, Oct. 22, 1746, *C. O.* 5 901, 66; Deposition of Rene Het, Sept. 15, 1746, *C. O.* 5 901, 46.

[3] Townshend and Knowles to Shirley and Warren, Sept. 11, 1746, *Conn. H. S. Colls.*, vol. xiii, pp. 301-302.

Meanwhile the news was brought to Boston by fishermen who had seen the fleet September 9th and 10th, about ten leagues west of Chebucto, the present Halifax. At this time Shirley thought the squadron might be a part of the Brest fleet intended to attack Nova Scotia, and perhaps Louisburg, and afterward defend Canada. Thereupon he suggested to Newcastle, in case the French made an immediate and successful attack upon Nova Scotia, and St. Clair arrived in time with a fleet, that his troops be used at once to recover it. At the same time Shirley was sending to Chebucto a man who had undertaken to enter the mouth of the harbor in a whale boat for the purpose of securing for Townshend at Louisburg news of the strength of the French fleet.[1]

Just at this time when dangers seemed to be thickening about him and plans brilliant in conception were falling about his ears like a house of cards through the maladroit execution of the home government, Mrs. Shirley, his companion and helpmeet, died. In the preceding year, while his great coup at Louisburg was in preparation, his beloved daughter Frances had been snatched from him,[2] while now the mother, whose aid and encouragement had contributed much to his success, was likewise taken away.[3]

But the urgency of the crisis allowed no leisure for the indulgence of his grief. News received at New York indicated that a French fleet in the West Indies had received orders to proceed upon a secret mission. The action of the commander in securing pilots for the North American coast, implied a purpose to join D'Anville's squadron. The same informant had been assured that the huge armament was directed against Newfoundland and Cape Breton.[4] On

[1] Shirley to Newcastle, Sept. 19, 1746, *C. O.* 5 901, 33.

[2] Shirley to Pepperrell, Feb. 18, 1745, *Sh. Cor.*, vol. i, pp. 185-186.

[3] On Aug. 31, 1746.

[4] Deposition of Rene Het, Sept. 15, 1746, *C. O.* 5 901, 46.

September 19th there arrived in Newport, R. I., a prisoner of war (from San Domingo) who testified that four French men-of-war, which had come there from France, had gone north to join the Brest fleet shortly before he sailed for New England. This fleet itself, he declared, had as its primary object the capture and maintenance of Cape Breton, and if too late to succeed there, it proposed to attack Boston.[1]

This was uncomfortably interesting news and, taken in connection with other reports from New York and elsewhere of the magnitude of the fleet,[2] looked quite as though a descent upon the New England coast was intended. This impression was strengthened by a deposition affirming that four French ships near the Nova Scotia shore were sailing southward, declaring that they were bound to Annapolis, but inquiring the location of Cape Sable and Cape Cod.[3]

Steps had been taken immediately upon receiving news that the squadron was upon the Cape Sable shore for sending 300 men to reinforce Annapolis.[4] These plans were not abandoned, and New Hampshire was urged to send 200 more men.[5] In making these dispositions Shirley was acting upon the strength of the assurances, contained in "British prints" which had reached him, that St. Clair with a squadron and British troops would shortly arrive at Louisburg.[6]

[1] Deposition of L. Payne, Sept. 19, 1746, *C. O.* 5 901, 48.

[2] The report was that thirty sail had been seen about fifteen leagues west of Chebucto harbor on the Cape Sable shore, about 150 leagues from Boston, sixty from Louisburg, and eighty from Annapolis. Shirley to Newcastle, Sept. 19, 1746, *C. O.* 5 901, 33. *Cf.* also, Shirley to Newcastle, Sept. 29, 1746, *C. O.* 5 901, 39. For further data regarding the size of the fleet, *cf.* Admiral Lestock's *Journal, loc. cit.*

[3] Deposition of Ingersoll and Lufkin, Sept. 22, 1746, *C. O.* 5 901, 47.

[4] Shirley to Newcastle, Sept. 19, 1746, *C. O.* 5 901, 33.

[5] Warren and Shirley to Wentworth, Sept. 23, 1746, *Sh. Cor.*, vol. i, p. 357.

[6] Shirley to Newcastle, Sept. 29, 1746, *C. O.* 5 901, 39.

For the defense of the New England coast, however, Shirley, although convinced of the improbability of invasion,[1] had already made prodigious efforts to prevent a successful surprise.[2] He wrote to Governor Thomas of Pennsylvania urging the preparation of as large a land and sea force as possible to be ready to sail to Rhode Island "upon the first advice of the approach of the enemy."[3] Similar appeals were made to the other colonies between Pennsylvania and Massachusetts,[4] but he received little or no aid from them.[5]

The general court was not in session, and Shirley, before he was able to consult them, exercised his full authority as commander-in-chief under his commission. Thereby he trenched upon functions which in ordinary times would have been accorded to that august body. He issued orders for completing the works at Castle William and Governor's Island and for supplying them with needed cannon and good garrisons. He also ordered the mobilization of the militia, with the exception of those serving upon the frontiers, to proceed at once to the defense of Boston. As a further security he took steps for protecting the ship channel, while the town built batteries for its own defense.[6] The regiment

[1] *Ibid.*

[2] Shirley to Wentworth, Sept. 20, 1746, *Sh. Cor.*, vol. i, p. 355.

[3] *Min. Pr. Cl. Pa.*, vol. v, p. 55.

[4] *Jour.*, Sept. 30, 1746, pp. 143-145.

[5] Shirley to Newcastle, Dec. 11, 1746, *C. O.* 5 901, 87.

[6] *Jour.*, Sept. 30, 1746, pp. 143-145. The defenses of the town against a fleet were elaborate, including not only hulks to be sunk in the channel, but a cable boom across it and a squadron of armed ships behind these obstructions, while the enemy in attempting to force an entrance would be under the direct fire of the Castle. Shirley realized that Boston might be battered into ruins and laid under contribution if the fleet once passed the defenses, but believed troops could not be landed, as he would have 15,000 good men within twenty-four hours' march of Boston to oppose them. Shirley to Newcastle, Sept. 29, 1746, *C. O.* 5 901, 39.

commanded by Colonel Plaisted of Salem was called out for the defense of that town and the neighboring shores of Essex county.[1]

As the enemy did not immediately appear, he sent half of the militia home to help get in the harvest with orders to be ready to march upon an alarm, and upon request of the legislature agreed on October 1st to send home those living in and near Boston upon the same conditions.[2]

By way of adjustment Shirley brought into play the troops in the king's pay, ordering 500 of them under Brig.-Gen. Dwight to the western frontiers, and the rest to do garrison duty at Castle William and Governor's Island, thus relieving the militia who had been stationed there.[3]

Meanwhile the behaviour of the French fleet, in remaining for about twenty days in nearly the same position off the Nova Scotia coast and not far from the point where an English fleet would be likely to approach land, led to the belief that they might be lying in wait for the fleet expected under Lestock. Hence Warren and Shirley sent four vessels to attempt to deliver despatches to Lestock at sea, apprising him of the situation.[4]

While seeking to guide the English admiral safely to the shores of America and while apparently absorbed in the defense of Boston, Shirley was also writing to Newcastle to stress the supreme importance of Nova Scotia to England. He declared that province more essential to the empire than Cape Breton, for upon its fall the French might be encouraged to undertake the conquest of the continent, even

[1] Plaisted to Jenks, Sept. 22, 1746, *N. E. His. and Gen. Reg.*, vol. ix, p. 204.

[2] *Jour.*, Sept. 30, 1746, p. 145; Oct. 1, 1746, p. 146.

[3] *Ibid.*

[4] Warren and Shirley to Lestock, Sept. 27, 1746, *Cor. Col. Govs. of R. I.*, vol. ii, pp. 16-19, *Conn. H. S. Colls.*, vol. xiii, pp. 320-322; Sept. 29, 1746, *ibid.*, p. 324; Shirley to Wentworth, Sept. 29, 1746, *Sh. Cor.*, vol. i, p. 358.

though the war might thereby be protracted for several years at great cost to France.

England, however, could reduce Canada to a feeble state by closing the mouth of the St. Lawrence (by which it received its sustenance). So long as the English held Nova Scotia, provided Cape Breton could be kept from the French, the latter was of little importance to Great Britain. Nevertheless, as the French had fortified it in violation of a solemn agreement, when yielded to them in exchange for Placentia in Newfoundland, it seemed inadequate to merely destroy the fortifications there or to pledge the French not to rebuild them.[1]

Upon the whole he thought that whenever the interest of the empire made it appear advisable to give up Cape Breton, say at the winding up of the war, it would not be difficult for England to retake it at will. This conclusion, however, was subject to the provisos that the English keep Nova Scotia, that the inhabitants there be put on the footing of loyal subjects, and especially that the present Halifax be fortified and a settlement made there instead of at Canso.

On the other hand, the combined control of Nova Scotia, Cape Breton and Canada by the French would be fatal to the English colonies. Further, it was advisable to secure Crown Point in the treaty of peace.

As to the reduction of Canada, if undertaken the next year, he thought the regular troops should number at least 8,000 and the colonials 20,000. He observed that the willingness of the French to risk the destruction of most of their ships of the line while upon the present expedition seemed to be a measure of the value put by them upon their

[1] Newfoundland was ceded to England and the French claim to Cape Breton was recognized by the treaty of Utrecht, but that pact, apparently contrary to Shirley's impression, allowed France to fortify it. *Cf. H. of C. Jour.*, vol. xvii, p. 329.

interests in North America, and particularly upon the reduction of Nova Scotia.[1]

As the popular apprehension of an attack upon Massachusetts gradually waned with the inaction of the French fleet,[2] Shirley took further steps to relieve what seemed the desperate plight of Nova Scotia.[3] He allotted for the defense of it 600 men from those raised for the Canada expedition, secured 300 more from Governor Wentworth of New Hampshire, and in company with Warren appealed to Governor Greene of Rhode Island to send the same number from his province.[4]

While these measures were still in progress Shirley in conjunction with Warren sent home a fully developed plan for a campaign against Canada during the following year. The inaction of the home government had allowed the golden hour in which Canada was probably within easy grasp to elapse. France was now upon her guard and it must therefore, it seemed, be a sterner task, especially if Nova Scotia were lost.

Hence, the estimates of forces needed now included eighteen ships of the line, frigates, sloops, fire ships, bomb ketches and tenders. Of these it was proposed that twelve

[1] For this calm though urgent discussion of the situation as it appeared in the presence of D'Anville's armament, *cf.* Shirley to Newcastle, Sept. 29, 1746, *C. O.* 5 901, 39.

[2] The threat from D'Anville's expedition made a tremendous impression upon the public mind at the time. This was testified to by an eyewitness who declared: "I remember the spirit here when the Duke D'Anville's squadron was upon this coast, when 40,000 men marched down to *Boston*, and were mustered and numbered upon the Common, complete in arms, from this province only, in three weeks . . ." Extract of a letter from a gentleman in London, Jan. 21, 1775, Force, *American Archives*, 4th ser., vol. i, col. 1168.

[3] Shirley to Newcastle, Sept. 29, 1746, *C. O.* 5 901, 39.

[4] Shirley and Warren to Greene, Oct. 14, 1746, *R. I. Col. Recs.*, vol. v, p. 192.

ships of the line with frigates, sloops, fire ships and transports should go up to Quebec, while the remaining six ships of the line with two or three sloops and frigates should remain to watch Louisburg and the mouth of the St. Lawrence, and to furnish news of any enemy movements. There should be at least 8,000 regulars from England, with a large train of artillery and siege materials, and the force should be provisioned for twelve months while a supply for four months more should be stored at Louisburg. In case Canada were not reduced in one summer campaign he proposed that wooden barracks be erected for the troops from materials which should be provided.

It was suggested that the colonies should raise 22,000 troops, to be apportioned according to population, the quotas to be filled by drafts from the militia by the governors if necessary, unless prevented by charter privileges. In such cases the governors were to be directed to urge most pressingly necessary action by the legislatures to provide for the raising of the quotas allotted.

Twelve thousand colonials were to proceed with the fleet to Quebec and the remainder by land against Montreal. The colonials should serve under American officers from generals down, whether proceeding by sea or land. At the end of the campaign arms and equipment supplied the Americans should be stored for future service in the different colonies in proportion to the number of men furnished by each, and the arms captured from the enemy should be divided among the troops.

It was moreover proposed that the Americans upon reaching the enemy's country be clothed in British uniforms to make them appear like regulars, which they would soon become. Aside from the marines, three-fourths of the seamen should also be armed with muskets, cutlasses and pistols, and the whole ships' crews should be trained to the use of

small arms and grenades. The Americans should also be kept from contact with the regulars as much as possible.

Equal and joint command of the expedition by commanders of the land and sea forces was recommended. As a special contribution to the expedition, New England was to furnish 6,000 pairs of snowshoes, as many moccasins, and 5,000 hatchets. It was thought armed vessels from the colonies would be useful, as also light armament upon fifty or sixty sloops and schooners among the American transports would be necessary to fit them for river service on both sides of Quebec.

The expedition was to rendezvous at Louisburg or Spanish river by May 10th, to proceed to the St. Lawrence by May 25th, where they were to assemble at Tadousac.

To avoid delay in securing funds from legislatures to meet any expenses which it should be decided to have paid by the colonies the project proposed that the generals-in-chief and the governors be allowed to draw bills on the treasury at home for necessary sums. In such cases notice was to be given to the colonial governments that after the expedition was over each of them would be expected to bear a reasonable share of the expense.[1]

[1] The following table shows the quotas and service proposed for the different colonies.

| Colonies | Men for the Expedition | | |
|---|---|---|---|
| | *To Go By Sea* | *To Go By Land* | *Total* |
| New Hampshire | 500 | 500 | 1,000 |
| Massachusetts | 2,000 | 2,000 | 4,000 |
| Rhode Island | 1,000 | — | 1,000 |
| Connecticut | 1,000 | 1,500 | 2,500 |
| New York | 1,000 | 2,000 | 3,000 |
| New Jersey | 500 | 1,000 | 1,500 |
| Pennsylvania | 2,000 | 3,000 | 5,000 |
| Maryland | 1,500 | — | 1,500 |
| Virginia | 2,500 | — | 2,500 |

For the above plan for the 1747 campaign, *cf.* Warren and Shirley to Newcastle, Oct. 12, 1746, *C. O.* 5 901, 51.

The best conjecture as to the authorship of the scheme just given seems to be that Warren was largely responsible for that part relating to the fleet and that Shirley similarly suggested most of the features dealing with land operations.

On the day following the date of this plan, Shirley wrote the duke personally upon conditions. After expressing the opinion that the French would not remain at Chebucto long in view of bad conditions in the fleet he urged that the English government should not rebuild Annapolis nor strongly fortify Canso, but should develop at Chebucto a fortress and port which, with its fine harbor, would be worth ten times as much to the province as Annapolis, "and particularly remove the great dread of the ill consequences of Cape Breton's returning into the hands of the French, if the exigency of affairs in Europe should inevitably require that, more than anything else that can be thought of, except the reduction of Canada." [1]

A few days earlier the situation regarding D'Anville's fleet was brought to a crisis. The news now available led Shirley to doubt the intent of the Frenchman to do more than make a show of force against Annapolis,[2] before leaving the region. Nevertheless, near the middle of October, the sending of further forces to Annapolis (then standing a siege from Canadians and Indians) was temporarily interrupted by the declaration of a prisoner released from Chebucto, representing conditions much more favorably for the French than the facts warranted.[3] The caution prac-

[1] Shirley to Newcastle, Oct. 13, 1746, *C. O.* 5 901, 57.

[2] Shirley to Newcastle, Oct. 23, 1746, *C. O.* 5 901, 64; Foster's declaration, Oct. 24, 1746, *C. O.* 5 901, 69; Shirley to Wentworth, Oct. 25, 1746, *Sh. Cor.*, vol. i, pp. 362-363.

[3] Shirley to Newcastle, Oct. 23, 1746, *C. O.* 5 901, 64; Shirley and Warren to Greene, Oct. 23, 1746, *R. I. Col. Recs.*, vol. v, p. 195; *Sh. Cor.*, vol. i, p. 360; Mascarene to Shirley and Warren, Oct. 26, 1746, *C. O.* 5 901, 72.

ticed was no doubt greater after a list of the fleet found upon a French prisoner at New York showed how huge the armament had been upon its leaving France.[1]

A few hours later, however, fuller news revealed that the grand fleet, so imposing in appearance was but a weakling in reality, wholly unable to meet an opponent of considerable strength. It was then discovered that the sickness on board the fleet had left them almost wholly helpless. Before most of the fleet reached Chebucto the commander, D'Anville, died, perhaps of grief, though it was suspected that he had taken poison. So much dissension followed that the second in command fell upon his sword and apparently committed suicide, whereupon he was succeeded by M. La Jonquière.

Ill fortune did not cease to follow the squadron, for while on the way to Annapolis it picked up one of the vessels sent out by Shirley to warn Admiral Lestock of the presence of the French fleet and learned from sailors aboard it that Lestock was hourly expected. The French then at once abandoned all thought of an attempt on Annapolis, turned southward, and separated the forty-one vessels of which the fleet now consisted into two squadrons. One of these proceeded to France and the other to the West Indies. Almost immediately after this change of course they encountered a severe storm from which they suffered severely in their weakened condition.[2] Being unable to man all their vessels they burnt several, including a fifty-gun ship, before their departure.[3] The forces before Annapolis

[1] Lieutenant-governor and Council of New York to Shirley, Oct. 1, 1746, enclosed in Shirley to Newcastle, Oct. 13, 1746, *C. O.* 5 901, 57.

[2] For the conditions in the French fleet, *cf.* Memorandum of Stephen Brown, Oct. 24, 1746, *C. O.* 5 901, 65; Deposition of Seally and Furness, Dec. 31, 1746, *Sh. Cor.*, vol. i, pp. 373-375; Statement of Harmon and Deas, Oct. 24, 1746, *C. O.* 5 901, 67; Shirley to Newcastle, Oct. 23, 1746, *C. O.* 5 901, 64.

[3] *Ibid.*

now promptly broke up and raised the siege, leaving Shirley once more the savior of Nova Scotia.[1]

Thus the great thrust by France in America in 1746 came to an end, leaving both Nova Scotia and Louisburg to the English and the situation substantially unchanged. That this was true, however, was the equivalent of a victory for the English, since the latter kept both their conquest at Louisburg and their allies, the Iroquois. The loyalty of the latter was maintained somewhat dubiously[2] during the following winter,[3] and they were still ready for the war path against the French the next spring.[4]

[1] How to Shirley and Warren, Oct. 27, 1746, *C. O.* 5 901, 75; Mascarene to Shirley, Oct. 27, 1746, *C. O.* 5 901, 76; Gorham to Shirley, Oct. 27, 1746, *C. O.* 5 901, 74.

[2] Shirley's repeated urging of an attack upon Crown Point was chiefly to prevent the defection of the Six Nations, which he foresaw in case nothing were done by the English after announcing a campaign against Canada. Shirley to Newcastle, Dec. 11, 1746, *C. O.* 5 901, 87.

[3] Lydius to Stoddard, Nov. 24, 1746, *C. O.* 5 901, 90; Johnson to Lydius, Jan. 26, 1747, *R. I. Col. Recs.*, vol. v, p. 210; Shirley to Greene, Feb. 7, 1747, *ibid.*, p. 209, *Sh. Cor.*, vol. i, pp. 378-379.

[4] Shirley to Wanton, May 18, 1747, *R. I. Col. Recs.*, vol. v, pp. 216-217, *Sh. Cor.*, vol. i, pp. 384-386.

# CHAPTER XVII

## FIGHTING FOR THE *Status Quo*

AFTER the fiasco of D'Anville's expedition, Shirley reported to the admiralty that since many French ships had reached Canada in 1746 with stores, *etc.*, and perhaps troops, it would require a stronger force the following year to subdue it.[1] Evidence of increased vigor in Canada appeared at Thanksgiving time when it was learned that 1,200 French were being sent thence to Nova Scotia to conduct a spring campaign with the aid of the Indians and of forces expected from France.[2]

Shirley at that time had been busy for nearly a month in preparing an expedition intended to drive the French out of their haunts in Nova Scotia, forestall such an expedition as was now in preparation, and firmly establish the English control there.[3] Upon this errand he sent 800 men,[4] a detachment of whom under Lieutenant-Colonel Noble occupied Menis, the former base of the Canadians. His force was smaller than expected, however, because of the shipwreck of some Massachusetts and Rhode Island forces and the disobe-

[1] Shirley to Admiralty, Nov. 1, 1746, *Ad.* I, 3818. Information secured when Admiral Lestock captured one of D'Anville's ships off the coast of France in the fall of 1746, after its return from America, showed that nine ships of the convoy were loaded with arms and ammunition destined for Canada. Admiral Lestock's *Journal, loc. cit.*

[2] Lydius to Stoddard, Nov. 24, 1746, *C. O.* 5 901, 90.

[3] Shirley to Greene, Nov. 4, 1746, *R. I. Col. Recs.*, vol. v, p. 203, *Sh. Cor.*, vol. i, pp. 366-367.

[4] Shirley to Admiralty, Jan. 10, 1747, *Ad.* I, 3818; Shirley to Greene, Jan. 5, 1747, *Cor. Col. Govs. of R. I.*, vol. ii, pp. 34-35, *Sh. Cor.*, vol. i, p. 378.

dience of orders by a New Hampshire captain. This difficulty Shirley attempted to remedy by securing the despatch of further forces from New Hampshire and Rhode Island. Those colonies might more readily send men to Menis than to Crown Point, for the expedition against which all available Massachusetts troops were needed.[1] The task in Nova Scotia was now placed ahead of the capture of Crown Point, although the plan for the latter was not abandoned.[2]

Fruition of the Crown Point project was made impossible by the appearance of smallpox among the forces of New York and the southern colonies at and near Albany. This discouraged both the sending of New England troops to join them and, for the time, the attempt itself.[3]

While these plans were under way Shirley found it necessary to combat the influence of a definite report that Knowles at Louisburg, with the cooperation of the Massachusetts governor, was intending to drive all the French inhabitants out of Nova Scotia in the following spring. This, following the similar report earlier in the year, would naturally lead to their adherence bodily to the French cause. This report he met, with no great hope of success, by assurances that he had presented their case as favorably as possible to the English government, and that he believed a favorable answer might be expected.[4]

New Hampshire and Rhode Island failed to furnish reinforcements for Nova Scotia, with serious results for Noble and his troops at Menis. This force was lulled into a false security by the apparent inaccessibility of their position in

[1] Shirley to Wentworth, Feb. 9, 1747, *N. H. Pr. Ps.*, vol. xviii, pp. 299-301; Shirley to Greene, Feb. 9, 1747, *R. I. Col. Recs.*, vol. v, pp. 210-211, *Sh. Cor.*, vol. i, pp. 379-381.

[2] Shirley to Wentworth, Nov. 11, 1746, *Sh. Cor.*, vol. i, p. 368; Nov. 12, 1746, *ibid.*, pp. 368-369.

[3] *Jour.*, Dec. 30, 1746, pp. 184-187.

[4] Shirley to Mascarene, Dec. 19, 1746, *Sh. Cor.*, vol. i, pp. 370-372.

the midst of the winter season. As a result they were surprised on January 31st and a considerable number killed (including the commander) and taken prisoners, by a force which would probably have been driven out of the peninsula had the troops asked for been sent.[1]

After this reverse Mascarene suggested (1) an effort to drive the French out (with slight apparent hope of success without larger forces), (2) the punishment of the inhabitants who had received them, by devastation of the invaded districts, (3) the seizure of hostages from the inhabitants in case the enemy retired. He further suggested that the inhabitants might be transplanted, to prevent the French from increasing their subjects on English soil.[2]

Meanwhile Shirley was busy once more in securing a sea and land force sufficient to repossess the peninsula. He also repeated to Newcastle a proposal made in the preceding year for the building of strong blockhouses at Menis and Schignecto, which, had they then existed, might have prevented the disaster to Noble's force. He also now urged an even larger establishment at Chebucto. He said these measures, with defenses at Annapolis and Canso, would adequately secure the province with garrisons totaling 1,000 men. He planned to secure the necessary men from the balance of General Phillips' regiment, the personnel of which had been increased, with the addition of some Indian rangers. To emphasize his suggestions he asserted that Nova Scotia was of most importance to the crown of all its provinces upon the continent.[3]

[1] Mascarene to Shirley, Feb. 8, 1747, *C. O.* 5 901, 103; Feb. 20, 1747, *C. O.* 5 901, 108; Feb. 21, 1747, *C. O.* 5 901, 107; Shirley to Newcastle, Feb. 27, 1747, *C. O.* 5 901; Goldthwait to Shirley, Mar. 2, 1747, *C. O.* 5 901, 105; Shirley to Newcastle, Mar. 9, 1747, *C. O.* 5 901, 106; *Jour.*, Mar. 5, 1747, pp. 257-258.

[2] Mascarene to Shirley, Feb. 21, 1747, *C. O.* 5 753.

[3] Shirley to Newcastle, Feb. 27, 1747, *C. O.* 5 901.

Two months later the governor, jointly with Admiral Knowles, made similar recommendations, but with the additional suggestions (1) that a strong fort should be built at Bay Verte which would command the isthmus upon which the Canadians and the inhabitants of St. John's usually landed when invading the peninsula, (2) that Chebucto seemed to be designed by nature to be the chief harbor of Nova Scotia. Measures based upon these suggestions, they observed, would go far toward making that province the barrier of the English colonies, as it should be, instead of allowing it to remain the key for giving the enemy admission into them.

Meanwhile Massachusetts troops were again in Menis, although there were prospects of renewed invasion which Knowles' fleet was too weak to prevent. The little naval force which Shirley and Knowles could muster by their joint efforts was being sent to Bay Verte to capture some French vessels there, and thus check attempts on the province from Canada.[1]

February saw Shirley pressing again for action against Crown Point, as a means of encouraging the Six Nations to act against the French.[2] Although Connecticut would do nothing, he would have sent the available Massachusetts troops if New York had been willing to cooperate. However, a sudden change in opinion by the New York council prevented Governor Clinton from doing so, and therefore the attempt was abandoned for that winter. The governor hoped that all might still be well, if the Indians were not alienated, and if the expedition against Canada were carried out during the coming season.[3]

[1] Shirley and Knowles to Newcastle, Apr. 28, 1747, *C. O.* 5 901, 20.

[2] Shirley to Greene, Feb. 7, 1747, *R. I. Col. Recs.*, vol. v, p. 209, *Sh. Cor.*, vol. i, pp. 378-379.

[3] Shirley to Newcastle, Feb. 21, 1747, *C. O.* 5 901, 93.

The spring which now opened found the English cause in America at a low ebb. Shirley took steps to strengthen both the western and eastern frontiers of his province (the latter of which had now been contracted by withdrawal of settlers to Damariscotta) in an effort to avoid experiences like that at Fort Massachusetts.[1] Meanwhile Admiral Knowles at Louisburg reported that his sea forces were so reduced that he was alike powerless to destroy French privateers infesting the waters of Nova Scotia and to keep open communication between Louisburg and Boston. He further stated that Ramsay, still in Nova Scotia, was expecting reinforcements from both Canada and France. He also testified that the New England troops, despite their reverse, had been the salvation of that province during the past winter.[2]

The one favorable feature of the situation was that the Six Nations were eager for the fray. They were kept keyed up largely through the influence of William Johnson and John Lydius, the agents of New York and Massachusetts.[3]

While America was thus neglected England exerted many times the strength probably required to tip the balance there in her favor to maintain an indecisive contest upon the continent of Europe.[4]

In June the annual French onslaught was preparing in Nova Scotia.[5] However, the Massachusetts assembly had

[1] Shirley to Stoddard, Apr. 10, 1747, *Sh. Cor.*, vol. i, pp. 383-384; Shirley to Waldo, Apr. 13, 1747, *Ar.*, vol. lxxii, fols. 739-741. *Cf. supra*, pp. 340-341.

[2] Knowles to Newcastle, Apr. 26, 1747, *C. O.* 5 901, 109.

[3] Stoddard to Shirley (extract) May 13, 1747, *N. H. Pr. Ps.*, vol. v, p. 869; Shirley to Wanton, May 18, 1747, *R. I. Col. Recs.*, vol. v, pp. 216-217, *Sh. Cor.*, vol. i, pp. 384-386; Shirley to Wentworth, May 18, 1747, *N. H. Pr. Ps.*, vol. v, pp. 869-870.

[4] Convention for campaign, Jan. 12, 1747, *Hardwicke Papers, Mis. Mss.*, vol. lxxvii, *N. Y. Pub. Lib.*

[5] De Ramsay was fortifying the approaches to Bay Verte and collecting 5000 Canadians and Indians for the renewal of the intermittent attack upon Annapolis. Shirley to Newcastle, June 25, 1747, *C. O.* 5 901, 127.

opened the new season with a proposal that the troops and vessels of the province should be used only to attack Canada or to defend their own borders.[1] This policy was based upon the shortage of men caused by death and the absence from the province of men already called into service. It included forcing upon New Hampshire the entire defense of her western frontier. Thus the number of men required for the frontiers within Massachusetts would not be over one-half what had been required to defend the province at more distant points. This stand led to an order by the governor for the withdrawal of the Massachusetts garrison which had heretofore defended Fort Dummer, and for the temporary posting there of troops raised for the Canada expedition until New Hampshire should have a good opportunity to relieve them. The general court haggled over votes to raise or support men for the frontiers, seeking to secure the assignment of those raised against Canada to such service, until they were ordered elsewhere.[2]

[1] *Jour.*, Mar. 7, 1747, pp. 260-261; Mar. 13, 1747, p. 268; Mar. 17, 1747, pp. 272-273.

[2] *Jour.*, Apr. 2, 1747, p. 292; Apr. 7, 1747, p. 298; Apr. 16, 1747, pp. 301-302; Apr. 23, 1747, p. 312.

The final settlement of the Fort Dummer question did not occur until the war was over and the home government had considered the representations of both sides. These pleas included a petition from Massachusetts for reimbursement of her expenses for services within the New Hampshire line, and one of New Hampshire that Fort Dummer be removed within the Massachusetts line and that New Hampshire be allowed to build a stronger fort farther up the river. The privy council decided that New Hampshire should take over the fort in its existing location and adequately maintain it until she had created defenses elsewhere which made it unnecessary, and that she should reimburse Massachusetts for her expenses in maintaining it. They decided, however, that Massachusetts should not be reimbursed for other operations within the New Hampshire border, as the latter province had paid heavily for the defense of her own western frontiers. Board to Privy Council, Aug. 3, 1749, *C. O.* 5 918, 225; *A. P. C.*, vol. iv, pp. 16-17.

The evidently passive policy thus begun invited an attack by 700 French and Indians upon the fort at Number Four, the present Charlestown, New Hampshire. The place was then held by Massachusetts men raised for the Canada expedition, who gallantly defended it until the assailants retreated. This led to the assigning of all the Canada soldiers to frontier duty, the raising of more men to help man the frontiers, and an appeal to Connecticut to send 500 men to help secure the western border.[1] These results raised doubts as to the economy or wisdom of the general court's retrenchment. As summer came on Nova Scotia was yet in the balance. However, as the threat against that province required aid from France to make it effective, when this did not arrive, De Ramsay ultimately retired to Canada.[2]

In the early summer, also, detachments from Crown Point were attacking or menacing the New York and New England frontiers, thus threatening to force the Six Nations to break with the English. Meanwhile not even rumors of troops were coming from England. Shirley's reflections upon the situation show plainly that he was not counting upon English aid, and that he had singled out the great defect which made the English colonies largely helpless in the presence of their foes. His conclusion stated to Newcastle was that the French of Canada had a great advantage over the English colonies in time of war, by being under one government and that absolute. He pointed out that four or five strong governments, then acting upon the defensive only, had met with very different success from that achieved by one of them (Massachusetts) in a very difficult enterprise against the French. This difference he thought easily explicable, inasmuch as Massachusetts depended upon her

[1] *Jour.*, Apr. 24, 1747, pp. 313-314, 315; Apr. 25, 1747, p. 316; June 11, 1747, p. 36.

[2] *Ibid.*, Aug. 12, 1747, p. 81.

own strength, with the assistance of his majesty's ships, for executing the expedition against Cape Breton, and therefore exerted herself with suitable vigor and proportioned the forces she raised to the attempt.[1] Thus did the governor place in relief the military advantage to be gained from a colonial union. This comment was followed shortly by efforts on his part to bring about an offensive and defensive union of the colonies. To promote this he secured a vote from the assembly to appoint commissioners to meet those of the other governments as far south as Virginia, on September 2d at New York.[2] He stated to the governor of New Hampshire that this action was in consequence of

> the great danger which all his majesty's colonies in North America are in (as well as their own particular danger) of being destroyed by the French and Indians under their influence without a firm union between themselves, for their mutual defense and for weakening and destroying the power of the enemy and more especially for driving the French from the borders of the province of New York. . . .

The congress thus called was to treat and agree upon measures for encouraging the Six Nations to attack the enemy vigorously, "as also to agree upon the method and proportion of raising men and money for carrying on the war both offensively and defensively, and to project and settle such enterprises and plans of operation as the common interest shall require." Meanwhile he urged the separate colonies to furnish presents to keep the Six Nations loyal, as Massachusetts had done and continued to do generously.[3]

Thus did Shirley attempt to follow the path which destiny, with the able but unintentional assistance of British

[1] Shirley to Newcastle, June 25, 1747, *C. O.* 5 901, 127.

[2] *Jour.*, June 26, 1747, p. 68.

[3] Shirley to Wentworth, June 29, 1747, *N. H. Pr. Ps.*, vol. v, p. 115.

ministries, was already marking out for the future political progress of the American colonies. But the path was yet too thorny to be comfortable, and the need which he so keenly realized had not yet been sufficiently grasped by the provincial statesmen of America to lead them to clear and improve it for the safe and prosperous passage of the teeming millions who were destined to travel it. In attempting this task he had no encouragement or support from England and possibly the ministry were not disappointed that his efforts failed of fruition.[1]

The result proved that there was no general sentiment for united action of the colonies and that the remaining colonies were content to leave the management of the problem of defense to those governments whose frontiers would be immediately affected by the defection of the Iroquois. Probably, also, the belief that peace would not be long delayed, and the fact that the French and Indians were not appearing in strength upon the frontiers of most of the colonies had an influence upon their action.

The selfish attitude of the other colonies in allowing Massachusetts, New Hampshire and New York, with the assistance of the Iroquois, and with occasional aid from Connecticut, to assume much of the burden of defending the rest, led to a memorial to Shirley and Clinton from the commissioners of Massachusetts to the Albany conference in 1748. The commissioners asked them to apply to the crown to compel the other governments to pay a just proportion of the expense for defending the inland frontiers of the three first named colonies.[2]

[1] On the outcome of this attempt at colonial cooperation, *cf.* Shirley to Wanton, Dec. 28, 1747, *R. I. Col. Recs.*, vol. v, p. 235, *Sh. Cor.*, vol. i, pp. 419-420; Shirley to Clinton, Mar. 22, 1748, *N. Y. Col. Docs.*, vol. vi, pp. 421-422, *Sh. Cor.*, vol. i, pp. 427-428.

[2] Clinton and Shirley to Board, Aug. 18, 1748, *Sh. Cor.*, vol. i, pp. 453-454.

Before the Albany congress met the garrison at Louisburg, ragged and uncomfortable from the neglect of the home government, were notified that according to a regulation of the British army, the cost of their provisions was to be deducted from their pay. Shirley had asked that this regulation be dispensed with as impossible of application there without almost insupportable hardship for the soldiers. The result of the attempt to apply it was an instantaneous and unanimous mutiny of the whole garrison, who laid down their arms, and began a "hunger strike." Governor Knowles was thus forced to violate the order and report the situation at home.[1]

A few days later Shirley sent Newcastle a sketch of another product of his fertile mind—a plan for reclaiming and holding Nova Scotia through the use of 1,000 of the Louisburg garrison and 2,000 New Englanders. When the lateness of the season made an attack upon Louisburg from France no longer feasible, he proposed to seize the isthmus by which the French entered Nova Scotia from Canada. He would then deport to New England the inhabitants who had been clearly disloyal and reward the New Englanders in the force by bestowing the vacated lands upon them on condition that they settle there with their families and defend the region.[2]

Such was the posture of affairs when Shirley received on August 14th, the long expected news that the infant expedition against Canada had expired in its second year, after many consultations of specialists had failed to find a means of prolonging its life.[3] Its untimely but not premature decease not only left the struggle in America almost wholly a colonial one, unless either home government

[1] Knowles to Newcastle, June 28, 1747, *C. O.* 5 901, 128.

[2] Shirley to Newcastle, July 8, 1747, *C. O.* 5 901, 136.

[3] *Cf. supra*, pp. 299, 302-303, 315-323, 329-330, 331-337; Shirley to Clinton, Aug. 15, 1747, *N. Y. Col. Docs.*, vol. vi, pp. 384-385, *Sh. Cor.*, vol. i, p. 393.

should later send considerable forces to America, but it somewhat impaired Shirley's prestige. His reputation as a potent influence with the ministry was clouded. His suggestions to other colonial governments would for the future be regarded less as forecasts of the probable policy of the government in England. Particularly, it tended to reduce the probability that he could lead the colonies into the union he was seeking to establish for military purposes.

More than that, the news, although couched in language superficially cordial, seemed to bear the tidings of unpopularity at Whitehall. It could not be doubted that the ministry regarded the effort to make the war one for the domination of America with disfavor, and the author of the sweeping plans for that purpose in the same light. A hint of such an attitude was found in the fact that whereas the orders for undertaking the expedition had been enclosed to Shirley and sent to the various governors from Boston, the orders to dismiss the troops were addressed to Shirley through the hands of Governor Clinton at New York.[1]

Again, Admiral Warren, who had acted jointly with Shirley to promote the expedition, had returned home, ostensibly to secure its adoption, but, upon finding the ministry averse to the plan as previously agreed upon between Shirley and himself, he had thrown the onus for the lack of harmony thus revealed between the plan and the views of the ministry chiefly upon Shirley.[2] It is just to recall in that connection that Warren had shown signs of jealousy of the Massachusetts governor almost from the beginning of the war: while stationed at New York, when he found himself unable to send vessels to help save Nova Scotia;[3]

[1] *Ibid.*

[2] Newcastle to Shirley, May 30, 1747, *C. O.* 5 45, 247.

[3] *Cf. supra*, pp. 234-235.

while in the West Indies, when he viewed his instructions as opposed to his active participation at Louisburg, until specific orders came;[1] while at Louisburg, when he sought to assume for himself the supreme command on land as well as sea, whereby Shirley's authority as governor would have been subjected to a slight.[2]

Further, there was a situation in New York not favorable to Shirley's success in the role which he had assumed as colonial leader. There was a long-standing jealousy and friction between New York and Massachusetts which had appeared in part in connection with boundary disputes. Unfortunately, a large factor in any policy for defeating the French centered about the Six Nations who resided in New York, and in dealing with whom that government assumed, and was by the home government accorded, a primacy. Shirley found it necessary to make frequent suggestions to Clinton as to policies in which these Indians were involved, since Clinton did not display the initiative of a strong leader, and his province did not then possess either the resources or the spirit to fit it to play the role which its geographical position suggested, that of the advance guard of the English column against Canada.

Shirley had proceeded with consideration for Clinton, always scrupulously asking his consent to treat with the Iroquois, and acting jointly with him. Nevertheless there had been some suppressed lack of harmony between the provinces. It appears that the Indians themselves resented the attitude of the New York Indian commissioners in obstructing free relations between themselves and Massachusetts, particularly in 1745. In that year, it appeared that the threatened defection of the Indians from the English was partly due to this condition.[3] Moreover, the naming of

[1] *Cf. supra*, pp. 260-262, 282.

[2] *Cf. supra*, pp. 304-306.

[3] Wraxall, *op. cit.*, pp. lxxxiii-lxxxiv.

William Johnson by Governor Clinton to take control of Indian affairs [1] did not wholly remove friction with Massachusetts.

Shirley relied for his Indian and frontier policy largely upon John Stoddard, the veteran Massachusetts frontiersman, and Stoddard, although for the most part a staunch supporter of the agents who dealt with the Six Nations, fretted at times under what he considered defects in the New York proceedings relating to the Indians.[2] By sending Mr. Lydius to Albany as the representative of Massachusetts in dealing with the Iroquois, Shirley promoted promptness in meeting the needs of the Indians, and reduced the chances that his plans would be betrayed to the French. Unfortunately he also aroused a decided jealousy on the part of William Johnson, the New York Indian agent. This was brought to Shirley's attention just at the time that the change in the attitude of the home government toward his plans was apparent.[3] The jealousy which here appeared was to reappear in a more violent form in connection with the last intercolonial war in 1755.[4]

It seems not wholly improbable that this New York situation had some indirect influence at home through Warren, who was the brother-in-law of Chief Justice and Lieutenant-Governor De Lancey,[5] and the uncle of William Johnson, the New York Indian agent. However, Shirley's share in dealing with New York questions seems to have been demanded by the circumstances. Moreover, he showed that

[1] *Ibid.*, pp. lxxxiv, 248 and notes.

[2] *Cf. supra*, p. 297.

[3] Shirley to Clinton, Aug. 15, 1747, *loc. cit.; Johnson Mss.*, 23, 40-47, *Calendar of the Sir William Johnson Manuscripts in the New York State Library*, comp. by R. E. Day (Albany, 1909), pp. 14-15.

[4] Wraxall, *op. cit.*, pp. cvi-cvii.

[5] *N. Y. Col. Docs.*, vol. vi, p. 417.

he bore no ill will to Johnson in consequence of his resentment by writing to Clinton most generously for his services.[1]

Finally, the Duke of Bedford had clearly formed an unfavorable opinion of Shirley's policy, and his power presumably would be used to prevent the increase of the influence of its author. He might have been even more strongly inclined to that attitude by Warren's letters and statements. This attitude was important since Bedford was then becoming a power in colonial affairs.[2]

The turning point of the war in America was the disaster to D'Anville's squadron. In this affair only that benevolent power which it is alleged watches over the safety of the *non compos mentis* prevented the English from suffering as severe a reverse as that which befell the French. This good fortune was continued in the following year by the defeat of a smaller armament under De Jonquière. However, this fleet was to reinforce India, not America.[3]

Shirley continued to strive in cooperation with the New York government to hold the Six Nations firm, and their joint efforts were successful.[4] This was easier since the French strength which might have made the Iroquois formidable to the English never reached the shores of Canada.

Nevertheless Shirley believed that a crisis in relations with the Iroquois and dependent tribes had been reached which would justify Clinton in securing their loyalty at the charge

[1] Shirley to Clinton, Aug. 31, 1747, *N. Y. Col. Docs.*, vol. vi, p. 385, *Sh. Cor.*, vol. i, pp. 398-399.

[2] John Russell, fourth Duke of Bedford, became secretary of state for the southern department with charge of the colonies, in the following year. *Sh. Cor.*, vol. i, p. 457, note 2.

[3] Innes, *op. cit.*, vol. iii, p. 195.

[4] For Shirley's share in this effort, *cf.* Conference with the Indians at Albany, July 23, 1748, *N. Y. Col. Docs.*, vol. vi, pp. 447-452, *Sh. Cor.*, vol. i, pp. 429-437; Shirley to Galissonière, July 29, 1748, *ibid.*, vol. i, pp. 437-440; Shirley and Clinton to Board, Aug. 18, 1748, *ibid.*, pp. 449-455.

of the crown, for he was convinced that otherwise they would soon go over to the French. He saw clearly that the Indians held the balance of power between the French and English in America and that by securing their support generally the English could easily dispose of the French alone.[1] The Iroquois were secured to the English interest probably largely through Shirley's influence and efforts. They did good work by harassing the French settlements in Canada and by forcing the abandonment of some of them near Montreal.[2]

Ample evidence that an able and aggressive French Indian policy fully warranted Shirley's emphasis upon the need for serious efforts by the English to overcome it, appeared within the next two years.[3]

Shirley also, acting with Knowles, once more secured Nova Scotia for the winter by sending to Annapolis 400 men retained from the Canada forces, supported by the Massachusetts sloop in the pay of the crown, since the province refused to fit it out for the service. But he had no forces with which to drive the French from Bay Verte, or to attack Crown Point. He was obliged to report that the province had done as much as it could, and had incurred heavy expenses, which they asked to have represented to the ministry.[4]

[1] Shirley to Clinton, Feb. 1. 1748, *C. O.* 5 901, 92.

[2] Clinton to Shirley and Knowles, Oct. 21, 1748, *C. O.* 5 901, 175 and 235.

[3] Galissonière to Mascarene, Jan. 15, 1749, *N. Y. Col. Docs.*, vol. vi, pp. 478-479; Williams to Shirley, Feb. 13, 1749, *Sh. Cor.*, vol. i, p. 568, note; Shirley to Hamilton, Feb. 20, 1749, *Pa. Ar.*, vol. ii, p. 20, *Sh. Cor.*, vol. i, pp. 468-469; Report on French encroachments, *Jour.*, Apr. 18, 1749, p. 181; Shirley to Bedford, Apr. 24, 1749, *Sh. Cor.*, vol. i, p. 478; Mascarene to Galissonière, Apr. 25, 1749, *N. Y. Col. Docs.*, vol. vi, pp. 479-481; Shirley to Bedford, May 10, 1749, *Sh. Cor.*, vol. i, pp. 485-487; Clinton to Shirley, May 19, 1749, *ibid.*, p. 487; Shirley to Bedford, June 18, 1749, *ibid.*, p. 488.

[4] Shirley and Knowles to Corbet, Nov. 28, 1747, *Ad.* I, 3818.

The Massachusetts governor's significant work in connection with the war ended with this last phase. His final effort was not to win a great triumph, but, in company with others, chiefly in New York, to prevent a disaster. With the treaty of Aix la Chapelle, in 1748, this task was successfully completed.

Shirley's chief services in this war were (1) the maintenance of a substantially unbroken frontier for his province and the aiding of adjacent provinces to maintain theirs, (2) the continuous preservation of Nova Scotia, (3) the conquest of Louisburg, (4) the evolving of a plan for the subjugation of Canada, which was followed in its essential provisions in the final contest of the English and French for the control of that colony.

A few years later the British empire was in a death struggle which probably would not have arisen had Shirley's plans been given whole-souled support by the ministry when presented. Substantially the same plans received such support in the time of Pitt's greatness, and Canada was then wrested from the French. In the later period, a government refined by the fires of adversity dreamed Shirley's dream anew, and although the task had meanwhile become much more complicated, difficult and costly in blood and treasure, the British lion fully aroused finally planted himself firmly at Quebec and Montreal.

Moreover, had it been done when Shirley first urged the plan, before France had time to strengthen Canada or to regain her balance after the fall of Louisburg, the huge burden of debt, which furnished the chief occasion for driving the Americans into revolt, probably would not have existed. Without such provocation it is far from certain that they would have justified Bedford's fear of their spirit of independence by severing their connection with the British empire.

## CHAPTER XVIII

### Politics Versus Gratitude

After it was known in America that the attempt upon Canada had been abandoned, Shirley was in some sort a shorn Samson. He was still a man of renown, and his views were still received with respect, but the treatment accorded him lacked something of the deference in America and the consideration in England which he had formerly experienced. Shirley himself also underwent a change. His zeal for the public service was apparently undiminished, but there was a subtle difference. His enthusiasm was no longer keyed to the bell-like clearness of other times, and a faint note of supplication appeared again in his letters to Newcastle, reminiscent of other days when an English gentleman had humiliated himself continuously for a term of years by asking of his patron the alms of an employment in which he might do the work for which he was fitted.

He had been hopeful of receiving the governorship of Nova Scotia in addition to that of Massachusetts, thereby giving larger scope to his restless spirit for strengthening by new devices the British hold upon America, and for further satisfying the lofty ambition which animated him. This hope had been encouraged by Newcastle's pledge of April, 1746, that he would present Shirley's pretensions to that office to the king upon the death of the aged incumbent. Since that time Shirley had sought to secure his immediate appointment to the post in view of the inability of General Phillips to render service. Possibly this request was partly due to the recognition on Shirley's part that Newcastle's

star was no longer in the ascendant and might soon be eclipsed by Bedford's, in which case his prospects for advancement would be seriously obscured. The reply intimated that this situation might already have arrived, for shortly after Warren reached England, Newcastle responded through the medium of a letter from the admiral to Shirley, the duke not then having time to write. Warren's letter informed the governor that the king would not consent to the removal of General Phillips from his governorship or his regiment, but that in case of his death Newcastle would use his interest that the Massachusetts governor should receive both. Shirley thereupon recalled to his patron that he had not only repeatedly prevented Nova Scotia from being lost to England, but had really carried much of the burden of the governorship of that province. Mascarene, he declared, not only sought his advice upon all important points, but even sent his letters to England open through his hands, to be withheld if his mentor judged it wise. In this way he had actually administered Nova Scotia for three years and he thought it would probably be necessary for him to do so much longer. These services had led him to believe that his immediate appointment as governor might be reasonable, as also his command of the regiment, if that could be done without injury to General Phillips. He then suggested an adjustment by which the incumbent should receive his present income during his lifetime while Shirley should at once take the offices, and upon Phillips' decease, the full emoluments. In conclusion he asked leave in any case to be absent from his government for a short time to settle affairs in England which the interest of his family absolutely required.[1]

[1] For this episode, *cf.* Shirley to Newcastle, June 18, 1746, *Sh. Cor.*, vol. i, p. 327; Shirley to Newcastle, Aug. 1747, *C. O.* 5 901, 145; Shirley to Newcastle, Mar. 28, 1750, *Sh. Cor.*, vol. i, pp. 499-501.

Newcastle followed his announcement through Warren, intimating decreased influence for Shirley if not for his patron, with a Delphic one in his letter of October 3, 1747. Therein he announced: "I have formerly acquainted you that, in case of a vacancy of the government of Nova Scotia, His Majesty has thoughts of bestowing it upon you to be held with your government of Massachusetts Bay." [1] The letter in which Newcastle gave this somewhat dubious assurance he had drawn up with the able assistance of Lord Anson and Sir Peter Warren "and humbly submitted to his majesty's approbation." [2] These circumstances may suggest the value which the assurance was likely to have for Shirley. There the matter seems to have rested until Shirley returned to England.

His duties and services regarding Nova Scotia, however, continued. The same letter of Newcastle which repeated a past promise for a future favor, directed a conference with Knowles upon the defense of Nova Scotia and Louisburg, announced the appointment of Colonel Hopson as governor of Cape Breton to succeed Knowles, and stated that he had been ordered to correspond with Shirley in regard to steps necessary for the defense of the buffer province.[3]

Shirley's proposed policy for that province, however, was being subjected to critical examination, for his suggestion that Knowles send 1,000 men from the Louisburg garrison to be joined by 2,000 New Englanders for the purpose of clearing Nova Scotia of the French had been referred by the king to Lord Anson and Sir Peter Warren. These two admirals, then stationed at home, reported their judgment that the season was already too far advanced for the plan to be

[1] Newcastle to Shirley, Oct. 3, 1747, *C. O.* 5 901, 152, not included in extracts in *Sh. Cor.*, vol. i, pp. 401-404.

[2] *Sh. Cor.*, vol. i. p. 401, note 1.

[3] Newcastle to Shirley, Oct. 3, 1747, *C. O.* 5 901, 152; Newcastle to Hopson, Oct. 3, 1747, *C. O.* 5 901, 162.

practicable.[1] If Newcastle had issued orders instead of allowing the question to be referred to two of Bedford's henchmen, it might have been feasible. In lieu thereof, the admiralty, after leaving the province thus far during the war without regular protection, now sent a warship to remain at Annapolis during the winter. Shirley was also informed that it had been represented that in case the French were ejected from the peninsula, a small fort on the isthmus would be of great value to prevent their return. Therefore the erection of such a fort was recommended.[2] At the same time the taking of Crown Point was commended to him. Finally the injunction was laid upon him that he should

transmit hither for His Majesty's consideration a scheme for the civil government of the province, whereby the inhabitants may be secured to His Majesty's obedience, and also for the erecting of forts, and making such works, as may be sufficient hereafter for defending it against any attempt that may be made upon it.

This injunction was accompanied by the flattering explanation that the king had observed that he was so well-acquainted with the country and had been so instrumental in the preservation of it that he was persuaded "these, his orders, could not be sent to any person, more able or willing to execute them than yourself. And it is His Majesty's pleasure, that all his officers and subjects whom it may concern, shall be assisting to you in the execution of these His Majesty's commands."[3]

[1] Newcastle to Shirley, Oct. 3, 1747, *Sh. Cor.*, vol. i, p. 402. *Cf.* also, *supra*, p. 368.

[2] Mr. Cowley, the royal engineer in Nova Scotia, later reported that a small wooden fort, such as was recommended, would not have been defensible in that position. Shirley to Newcastle, Apr. 18, 1748, *C. O.* 5 45, 110; Cowley to Shirley, undated, extract, *C. O.* 5 45, 115.

[3] Newcastle to Shirley, Oct. 3, 1747, *loc. cit.*, pp. 402-404.

Shirley, in truth, had shown such knowledge and zeal as to justify this confidence. Before the arrival of these instructions, he had returned repeatedly in his letters home to the problem of securing a loyal population for Nova Scotia as a future security for the province. His plans were clearly outlined as early as the late spring of 1746.

At that time the orders from England to prepare for the Canada expedition were not known in America.[1] Shirley apparently despaired of support from home for such a campaign and returned to the subject of the safety of the northern wing of the English possessions, dependent in considerable measure upon Nova Scotia. He assured Newcastle that upon the arrival of the Gibraltar regiments and a fleet, Louisburg seemed safe. France could hardly send troops for a siege, and without them a defense by the fleet and batteries combined could hardly be overcome. As to Nova Scotia, the danger from the French inhabitants was still urgent, and the paramount importance of making their loyalty unquestioned was to him increasingly clear. He also quoted a letter by Monsieur de Frontenac, "Intendant of Canada," to the French government, published in a history of seeming authority at Paris in 1744, stressing the importance to France of seizing Nova Scotia. The means suggested by Shirley for rendering the anticipated French plan ineffective was the removal of the more dangerous of the French families from the country, and the settling of English families in their places. Such settlers he believed could be secured from New England. Meanwhile the garrison at Annapolis, after the dismissal of most of the New England troops, was less than 200 effective privates.[2]

[1] *Cf. supra*, p. 323.

[2] Shirley to Newcastle, May 10, 1746, 2 *Me. H. S. Colls.*, vol. xi, pp. 316-323.

He returned to the subject again in June of the same year to inquire whether, in case of the failure of the Canada expedition to proceed, "the immediate removal of some at least of the French inhabitants of Nova Scotia, and securing the province in the best manner would not be advisable and even necessary."[1] He suggested further that some of the troops sent against Canada might be used to perform this service before their return or that it might be possible to spare men enough from the Louisburg garrison for a short time to do it.[2]

Shirley, however, was by that time being made to feel that his ambition to become governor of that province had been urged somewhat too impetuously, and he seems to have felt that his proposals might be construed as devices to forward his own fortunes.

Possibly it was the sensing of such an attitude on the part of the home government which led Shirley to write to Newcastle in the middle of August, after once more submitting his scheme for dealing with the French and Indian inhabitants with much clearness, "I shall finish troubling your grace upon the affairs of Nova Scotia with this letter." In this connection Shirley made no mention of himself as an agent for carrying the scheme into effect. His plan was that the home government should authorize and instruct the governor and council, or some other person or persons, to deal with the inhabitants. The procedure should be by apprehending a convenient number of those considered most obnoxious and dangerous to English rule, "and upon finding 'em guilty of holding any treasonable correspondence with the enemy &c. to dispose of them and their estates" in such manner as the directions from home should prescribe.

[1] Shirley to Newcastle, June 18, 1746, *C. O.* 5 901, 13, (not in extract in *Sh. Cor.*, vol. i, pp. 327-328).

[2] *Ibid.*, *Sh. Cor.*, vol. i, p. 328.

However, promise should be given of "His Majesty's most gracious pardon and general indemnity to the rest for what is past upon their taking the oaths of allegiance to his majesty." Thus he would have ended the "neutral" status of the French speaking inhabitants.

In addition he would have had two strong garrisons located in the heart of the French settlements at Menis and Chignecto,[1] or at least one at the former, where a trading post for the Indians, to be operated on favorable terms, should also be located. Further, the Catholic priests should be replaced by French Protestant ministers, and English Protestant schools established. Finally, the inhabitants who conformed to the Protestant religion and sent their children to the English schools should be given "due encouragement."[2]

By such measures Shirley believed that

> the present inhabitants might probably at least be kept in subjection to His Majesty's government, and from treasonable correspondences with the Canadeans; and the next generation in a great measure become true Protestant subjects, and the Indians there soon reclaimed to an entire dependance upon and subjection to His Majesty; which might also have an happy influence upon some of the tribes, now in the French interest.

That some effective measures along this line were necessary was obvious, since the Canadian invasion of the peninsula was then receiving at least the passive aid of the inhabitants.[3] It also seems likely that measures carried out by legal process, such as Shirley recommended, and inducements to accept Protestantism and an English education

[1] Spelled in this place, Schiegnecto.

[2] For this scheme, *cf.* Shirley to Newcastle, Aug. 15, 1746, *2 Me. H. S. Colls.*, vol. xi, pp. 337-340, extract in *Sh. Cor.*, vol. i, pp. 336-337.

[3] Shirley to Newcastle, July 28, 1746, *Sh. Cor.*, vol. i, p. 335.

instead of persecution, may have been as well adapted to meet the very difficult and delicate problem in the province as any practicable steps that could have been devised.

An inkling of these plans for their future disposition seems to have reached the "neutral French," and to have caused the apprehensions which Shirley sought to allay in the fall and early winter of 1746.[1] With the more serious situation in the province during the winter of 1746-7,[2] severer measures toward the inhabitants were thought of by Shirley and Knowles to supplement military operations.

The suggested measures were (1) that the most obnoxious of the French inhabitants be by degrees removed into other English colonies, (2) that the Catholic priests be driven out and Protestant French ministers introduced, (3) that other measures for Anglicizing the inhabitants earlier suggested by Shirley,[3] be employed. The results, they thought, would be likely to be satisfactory for the present generation and better in the future, especially if intermarriage with the English were encouraged, and a considerable mixture of other Protestants, such as existed in Pennsylvania, were introduced. This they thought safer than an attempt to remove all the inhabitants, which might result in a general revolt or an exodus to Canada. The latter would add about 30,000 Catholic inhabitants to that province, and lead to strong efforts to retake the country.

Before returning to England Shirley issued a declaration to the inhabitants of the peninsula in the king's name to disabuse them of the impression that they would be bodily deported or otherwise maltreated by the British government. In this document he said nothing of the continuance of the Catholic faith, in the absence of further instructions from

[1] *Cf. supra*, pp. 345, 360.

[2] *Cf. supra*, pp. 360-361.

[3] *Cf. supra*, pp. 380-381.

the crown. The omission was due to the belief that the continuance of that faith would perpetuate the influence of the French priests over the inhabitants.[1] His other chief service affecting Nova Scotia in that period was the preparing of the plan of government referred to above.[2]

Before that scheme could be prepared, Bedford was in charge of colonial affairs, and Shirley therefore submitted it to him. This proposed government was based in general upon the existing Massachusetts charter, but with modifications.

First, he suggested the vacating of any claim which Massachusetts might have to Nova Scotia based upon its charter. The other provisions suggested by way of departure from the Massachusetts system were chiefly for the purposes (1) of insuring to the royal prerogative and to the executive branch of the government a larger share in its control than the charter of that province allowed, (2) of discouraging the Catholic religion, (3) of insuring a better administration of justice by having the supreme court act as a court of equity instead of having equity functions exercised by the general court, (4) of effectually reserving mast trees, (5) of providing a temporary government by the governor and council until the French inhabitants should be reasonably familiar with the English language and English settlers should arrive in sufficient numbers to establish a civil government, a large degree of local self-government meanwhile being granted to the French inhabitants.[3]

In this period Shirley found it again necessary to enter

[1] Shirley to Newcastle, Oct. 20, 1747, *C. O.* 5 901, 164, (extracts), *Sh. Cor.*, vol. i, pp. 404-405.

[2] *Cf. supra*, p. 378.

[3] For this plan of government sent to Bedford, Feb. 18, 1747, *cf. Sh. Cor.*, vol. i, pp. 472-477; Shirley to Bedford, Feb. 27, 1749, *ibid.*, pp. 470-471.

into earnest controversy with the assembly to secure an annual grant of the value of £1,000 sterling for his support, and in 1749 he accepted an excuse for their failing to make the grant of the customary amount.[1]

Also, it was in the fall of 1747 that there occurred in Boston an affair more directly concerning Admiral Knowles and the officers of his fleet, who had been engaged in the wholly customary occupation of impressing seamen needed to replace deserters. In doing so they resorted to the not unusual device of taking men from shipping in the harbor. This practice was thoroughly hated by the people of Boston, as, among other hardships, many natives of the province might thus be secured. Shirley had reduced the rigors of this practice by interceding to secure the release of natives of Massachusetts, and he also frequently issued warrants for impressing seamen on shore through the provincial authorities, so worded as to exempt "inhabitants of the province, fishermen, mariners belonging to coasting and outward vessels."

The general conditions were such as to offer good soil in which to plant seeds of sedition. Boston had shared in the heavy burden of the war with the rest of the province and had borne the additional burden of supplying large numbers of seamen. Men were supplied for the temporary service of vessels fitted out to serve (1) under the province for a coast guard, (2) for the Louisburg expedition, (3) for the contemplated expedition against Canada, (4) for the defense of Nova Scotia, (5) as despatch-boats, (6) to carry supplies and men to New York for the contemplated expedition against Crown Point, and (7) as privateers. Finally, Boston had also been the chief port of call for all British squadrons in northern waters who were in need of men, and under war conditions Shirley had regularly sup-

[1] *Cf. supra*, pp. 113-114.

ported them in taking them. So severe had been the drain of men and so strong the encouragement to sailors to go elsewhere, that at times Boston was almost destitute of seamen, while crowds of idle sailors lounged upon the streets of the more hospitable ports of Newport, Rhode Island, and New York.

This condition became acute while the Louisburg expedition was preparing, and it was then thought that the impressment of seamen by the governor's warrant, while protecting the excepted classes, injured the province by driving away the men needed for its trade and its privateers, and by raising the wages of seamen. At the same time British vessels were impressing seamen from inward-bound vessels, thus cutting off the supply which might have relieved the shortage.

A change of policy did not come, however, until the fall of 1745, while Shirley was at Louisburg. At that time Lieutenant-Governor Phips allowed men from a warship to join with a provincial officer in impressing seamen. The press gang from the ship acted with great brutality resulting in the death of two seamen who, according to the terms of the warrant, were exempt from impressment. A provincial court rendered a verdict of aggravated murder in the case and in this Shirley concurred.

The result of this outrage was to make the impressment of seamen so odious in the town as to provoke outbreaks whenever attempted, and the governor's council refused to approve further warrants for doing it. This left captains of vessels entering Boston harbor free to impress from vessels there without exemption, and they were given a stronger motive for doing so by the recent passage of an act of Parliament forbidding the impressment of seamen in the West Indies. Therefore, they were virtually certain to be short of men when they visited Boston, the commercial

center of the northern colonies. Thus it seemed not unlikely, in view of the liking of naval commanders for New England seamen, that Boston would be reduced to ruin by the kidnapping of her seamen and the destruction of her trade. Incidentally, the same process would cut off a large part of the provisions and fuel for the town, which were brought by sea, except when the town was in effect blockaded by man-hungry British warships.

Such was the situation when Knowles brought his fleet to Boston. He had commanded at Louisburg when the attempt was made to levy upon the garrison the cost of their provisions, and a considerable number of Massachusetts men in Shirley's and Pepperrell's regiments, who were then in garrison, had participated in the successful mutiny against the obnoxious rule.

Moreover, Knowles, in conjunction with Shirley, was now engaged in settling the accounts for the proposed expedition against Canada upon terms which were not regarded as generous to the men who had enlisted for that service.

However, the issue which was raised was squarely that of impressment. On the night of November 16th Knowles made a general sweep of all the vessels in the harbor for seamen, taking among others three carpenter's apprentices belonging to the town, besides seamen on outward-bound vessels. Shirley believed that he would have released the landsmen and enough of the seamen to prevent crippling the trade of the port upon application, but this proved to be far from the thoughts of those most interested.

Like most popular uprisings, this one was apparently more popular in sympathy than in participation. It appears that the mob consisted, as the governor said, "of three hundred seamen, all strangers, (the greatest part Scotch) with cutlasses or clubs," or as a Boston town meeting declared, "of foreign seamen, servants, negroes, and other persons of mean and vile condition."

This undigested element in Boston's population was active early on the morning after Knowles' coup, assaulted some officers from the fleet then on shore, took others in custody, and defied and wounded the sheriff of Suffolk county. Shirley thereupon called on the militia to put down the riot, but before this could be done the mob confronted the governor at his house. He succeeded in rescuing their prisoners, but was himself insulted and an officer on guard outside his house was carried off. Most of the English officers on shore now assembled at the governor's house where they were under the guard of some officers, who alone of the militia would appear, the men generally apparently being in sympathy with the riot.

That afternoon the governor was beset for a time by the mob in the town house, they being importunate for the release of the impressed men, the surrender to them of the English officers, and the execution of the sailor convicted of murder on an earlier occasion, whose sentence had been suspended by royal order.

Various other riotous proceedings followed, a number of inhabitants joining in them, and as the militia failed to appear, the governor assisted the English officers with him to elude the mob and get aboard their vessels at night. The following day the officers who were held by the mob were released, the latter apparently having intended to use them merely as a basis for demanding the liberty of the impressed men. That day, likewise, Knowles proposed to bring his whole squadron before the town to awe them into submission. This Shirley prevented by prompt request, but as the disturbance continued the governor retired to Castle William until it was possible to execute his orders that the regiment of horse and three regiments of militia from Cambridge, Roxbury and Milton, appear under arms.

Very exaggerated stories of the extent and circumstances

of the impressment had been circulated, and some of them may have been started by merchants in the town who were losers by the taking of the seamen.

Shirley sought from Knowles the release of those seamen who would have been exempt under the old régime but the latter refused, especially while officers of his ships were held by the mob. The admiral, however, offered two hundred marines to reinforce the Castle. These the governor declined, stating that he had gone there as a mark of public resentment at proceedings in Boston and not from concern as to his personal safety.

The governor's retirement to the Castle and steps for calling out the country militia were followed by the appearance of part of the Boston militia, who kept watch that night. The next day a committee of the house of representatives reported to him upon conditions. A day later a committee from the town of Boston appeared with a copy of a vote passed unanimously in a town meeting denouncing and repudiating all proceedings connected with the riot.

This vote Shirley accepted as sufficient ground for extenuating their behavior to the ministry, and upon request of the assembly, for representing the grievances which the province was suffering from impressments.[1]

[1] For the events relating to this affair, *cf. Suffolk Files*, 60125; Shirley to Newcastle, Apr. 20, 1746, *C. O.* 5 45, 20; Shirley to Willard, Nov. 19, 1747, *Sh. Cor.*, vol. i, pp. 406-409; Minute of Boston Town meeting, Nov. 14, 1747, *C. O.* 5 886, Gg, 6; Proclamation against rioters, Nov. 21, 1747, *Sh. Cor.*, vol. i, pp. 410-411; Foote, *Annals of King's Chapel . . .* (Boston, 1882-1896), vol. ii, p. 40; *Boston Weekly Post Boy*, Nov. 23, and Dec. 14, 1747; Shirley to Newcastle, Dec. 1, 1747, *C. O.* 5 901, 224; Shirley to Board, Dec. 1, 1747, *Sh. Cor.*, vol. i, pp. 412-419; *Boston Weekly News Letter*, Dec. 17, 1747; Shirley to Newcastle, Dec. 31, 1747, *Sh. Cor.*, vol. i, pp. 420-423; Board to Shirley, June 18, 1748, *C. O.* 5 918, 214. For contemporary accounts, *cf.* Douglass, *A Summary, Historical and Political* (Boston, 1749-1751), vol. i, *passim*; Hutchinson, *Hist. of Mass.*, vol. ii, pp. 386-390. The former, however, is not to

It now appeared, however, that despite the recession of Shirley's popularity and influence he possessed large recuperative powers. He had too much ability and still enjoyed in too large a degree the confidence of the ministry to be submerged. He had already served as the mentor of the lieutenant-governor of Nova Scotia and, in large measure, of the governor of New Hampshire, besides evolving plans which had secured more or less support from the executives of Rhode Island, Connecticut and the other colonies as far south as Virginia. He was now called in as an adviser by Governor Clinton of New York.

That administrator was having much trouble with his assembly, who refused to accept his leadership in the cause of future security, and would not earnestly support the conquest of Canada, as Massachusetts, with perhaps no more reason, had done under Shirley. On the contrary the assembly, according to New York precedents, hid behind the barrier of the Iroquois and used the embarrassments of a state of war to compel reductions in the governor's powers.

This resulted in Clinton's writing to Shirley in August, 1748, expressing the opinion that "the present state of His Majesty's government within this province requires the immediate attention of the ministry." Shirley had come to New York to attend a recent conference with the Indians, and had been able to become fully informed of the situation through "the public papers, and other information which your excellency has directed Mr. Colden to lay before me." Clinton, in view of his full knowledge, requested him to

be taken without suspicion of partisanship since his account of these events led to a suit by Admiral Knowles against him for libel. *Suffolk Files,* Nos. 63469, 64145, 64529, 64940, 65515, 65550; *Rec. Book Suf. Sup. Ct,* 1747-1750, fols. 194, 276; *A. P. C.,* vol. iv, p. 107. For a later account, *cf.* Noble, "Notes on the Libel suit of Knowles *v.* Douglass in the Superior Court of Judicature, 1748 and 1749," in *Pub. Col. Soc. Mass.,* vol. iii, pp. 213-239.

represent the situation to the Duke of Bedford, believing he would find things in such a state that he would think it his duty to give his views upon them.

Shirley acceded to Clinton's request to the extent of considering the state of the New York government and drawing up his views of the situation. He suggested that his reflections might be employed by Clinton either for his private consideration or for his use in drafting a representation to the Duke of Bedford. Such a document, he thought, would come more properly from the New York governor than from himself. Shirley implied that he was moved to prepare a statement partly by the fact that the "several late innovations . . . . and encroachments made upon his majesty's prerogative" greatly tended "to weaken his government, not only in the colony of New York but in His Majesty's other colonies in North America, through the influence which so bad an example (in this colony especially) may have among them."

Shirley observed that beginning with Clinton's accession in 1743 the assembly had begun (1) making grants of salary to the governor annually instead of for a period of five years as previously, (2) passing acts appropriating public money in items for specified purposes instead of in a general grant to be drawn on by the governor and council, and (3) numerous "other innovations tending to create an entire dependency of the governour and other officers upon the assembly, and to weaken His Majesty's government in this colony . . . ."

He continued that he had learned that the assembly had (1) voted pay to agents, who were later employed in libelling Clinton's administration, in the same act which appropriated the governor's salary, (2) sent an agent to England apart from the governor and council, (3) taken into their own hands part of the warlike stores and the applica-

tion of public money for certain war purposes through their agents, (4) specified by the terms of their acts what sums should be issued by warrant of the governor and council, (5) specified that the salaries of provincial officials should not, in case of their decease, be paid in any part to their successors without a new grant, (6) passed the act for the governor's salary as the last of the session and intimated that unless the earlier acts were accepted the salary act would not be passed, (7) usurped in part the governor's function of naming and removing officers, and (8) taken into their own hands the erection of fortifications.

Whereupon Shirley remarked that "the assembly seems to have left scarcely any part of His Majesty's prerogative untouched, and that they have gone great lengths towards getting the government, military as well as civil, into their hands."

Shirley's general conclusion was that Clinton ought to demand that the assembly restore the government to the state it was in before these innovations were introduced, as it would be easier for him than for a successor to accomplish this. He suggested that it would aid to bring this about to secure, if possible, the disallowance by the crown of one or more of the acts by which the innovations had been brought about. He proposed also an additional instruction forbidding the governor for the future to consent to such acts.[1]

This episode shows what Shirley regarded as the proper status of a provincial government in America and as the

[1] Shirley to Clinton, Aug. 13, 1748, *Sh. Cor.*, vol. i, pp. 441-449; Clinton to Newcastle, Feb. 13, 1748, *N. Y. Col. Docs.*, vol. vi, pp. 416-418. A discussion of the behavior of the New York faction which was making trouble for Clinton appears in *A. P. C.*, vol. iii, pp. 269-272. From this statement it appears that the governor attributed to the faction as motives "a levelling, republican spirit and a desire for a kind of neutrality between New York and Canada." *Ibid.*, p. 270.

most effective methods to employ in maintaining the prerogative in opposition to the assemblies. It may be added that Shirley's suggested remedies are what one would have expected from an able and alert board of trade, after the experience of that body in colonial administration.

It is not improbable that Shirley thought something like this as he wrote his analysis and recommendation, for he had earlier in the same year written to that august body pointing out defects in the acts of trade, which although certainly more obvious in their effects in America than in England were by no means hidden from the observant at home. In making these suggestions Shirley was trying to remove technical grounds upon which the judges of provincial courts broke in upon the admiralty jurisdiction "so as in a great measure to elude the acts and defeat the intent of them for preserving the benefit of the plantation trade to Great Britain." This evil, he observed, was daily increasing. He said that customs officers often complained to him that if the admiralty courts were not soon given a general jurisdiction by act of Parliament in express terms, including the enforcement of the several acts for the preservation of the plantation trade, the execution of them would soon become impracticable in America. He added that it had already become so in many matters which those courts were plainly intended to include within their purview.

He said further that the colonies were abusing flags of truce to the injury of their own country. In this practice Rhode Island had specialized, sending upwards of sixty vessels to the French West Indies within eighteen months, laden chiefly with provisions. This not only helped the enemy, but so reduced the food supply in the colonies as to make it doubtful if any considerable body of troops, or even the king's ships which might call, could for the future readily secure supplies. To legalize such traffic one prisoner per

vessel for exchange was thought sufficient. Massachusetts, he added, had carried on no commerce with the enemy, but nothing short of an act of Parliament would be effectual to abolish such practices.[1]

When England declined to push the advantages which French disasters in 1746 and 1747 placed within her reach in America, the war there was practically at an end. There still remained only the payment of the bill.

This bill consisted of two classes of liabilities, those which England would pay and those the payment of which she declined. The latter were represented chiefly by huge issues of paper money on the part of those colonies which had been most active in the war, particularly by the New England colonies. Massachusetts, thanks to the large undertakings which Shirley had induced her to attempt, and especially to the Louisburg expedition and its aftermath, was well-nigh swamped. However, not all the charges assumed by the colonies would necessarily be paid ultimately by them.

The large expenses incurred on account of the proposed expedition against Canada were in a class by themselves, inasmuch as the crown had promised to pay the larger portion of them.[2]

The arrangement made by the home government for meeting its obligations in connection with that unappreciated effort, whereby Shirley and Knowles were to discharge the men and settle the charges in consultation with the other governors, was marred by the same defect which had vitiated so many features of colonial administration, namely, divided authority and responsibility. The naming of two agents of the crown to do this work was perhaps based upon sound principles, for they could advise, check and assist each

[1] Shirley to Board, Feb. 6, 1748, *C. O.* 5 886, Gg, 3.

[2] *Cf. supra*, pp. 321-322.

other in an arduous and responsible task, but the direction that they consult with the various governors reduced the prospect of good results. It gave the impression that the agents possessed no real authority (as in reality they did not), and encouraged the governors to go their own way in settling those bills relating to their respective colonies.

Perhaps no arrangement could well have been devised more likely to create unsatisfactory relations between Shirley and his colleagues in the different colonies than this, and although it was a commission of much dignity, it did not perceptibly enhance his prestige. The work was further embarrassed by a direction that all the accounts and vouchers be sent together to England to be laid before Parliament.

The outcome was what the ministry might have, and perhaps had, foreseen. Knowles came to Boston; the men were discharged by proclamation; a tentative scheme was drawn up for settling the accounts, which was wholly unsatisfactory to the different governments and was modified to allow a higher compensation to the men. There were still difficulties, as some of the governments thought to get better terms by presenting their cases at home. In the midst of these cumulative vexations, Knowles, like Warren in an earlier stage of the Canada imbroglio, received orders to go elsewhere, in this case to Jamaica. Shirley was thus left with full responsibility and next to no authority. Ultimately Shirley received the New Hampshire accounts to transmit home.

There were difficulties with Clinton at New York, who had been obliged to provision not only his own levies but also those from the provinces farther south, since they refused to provide their men with supplies. Finally, Shirley had difficulty in settling his accounts in Massachusetts, which perhaps illustrated the old jealousy between regular and colonial troops from a new angle, although personal

greed seemed to play a part. The trouble arose solely through Samuel Waldo, the governor's chief client in the days of his law practice, and one of the group of supporters who secured his appointment to the governorship. Until this time Waldo had been one of his staunchest supporters, serving as brigadier-general and commander of a regiment at Louisburg and as commander of the troops designed for the unrealized Crown Point expedition of 1746-1747.

General Waldo, however, had now grown so great that he could no longer recognize a superior in the governor, now apparently to some extent under a cloud at home. He insisted that he was entitled not only to all the perquisites which an officer in the regular British army holding his offices of brigadier-general in command of forces and of commander of a regiment might claim, but also, as Shirley declared, others which no officer in the regular service had ever enjoyed. Shirley asserted that his instructions did not allow him to consent to these claims, and Waldo thereupon refused to account to the governor for sums placed in his hands to be used for the payment of the troops which had been in his command. Shirley then sued him to force delivery of his vouchers to enable the governor to account with the government at home. Finally Waldo took the matter before the home government, and it seems to have done Shirley some harm in England, partly, no doubt, because of charges made by Waldo that Shirley had encouraged the officers appointed by him to present him with a costly gift. This Shirley denied, declaring that the proposal of a gift had come from one of the chief officers and had been represented as a spontaneous token of respect from the men in the service bearing commissions, and that when he learned that it had been reported that a contribution was being levied upon them to meet the cost of it, he had at once ordered the matter dropped, and before his difficulty

with Waldo arose had insisted that sums collected be returned.

The implied charge of an effort to force a contribution from the officers who were to be paid by him is supported only by Waldo's inexplicit statement; and Waldo was the sort of person whose bond was somewhat better than his word.[1]

The difficulties growing out of this distasteful task furnished one of the reasons for Shirley's return to England, a little later, that he might explain the tangled affair upon the spot, and it cannot be doubted that he found it a disadvantage to appear upon such an errand.[2]

[1] It is recorded, that upon receiving in London the news of his father's decease, he took advantage of a provision of his parent's will which provided that each of the members of his immediate family should be supplied with a suit of mourning, and charged to the estate a mourning equipment which in variety and costliness would have been adequate for royalty itself. (Suffolk county *Probate Records*, vol. xxix, pp. 89, 397; *Suffolk Files*, 166854). Waldo also illustrated his disposition and character by at once falling out with the co-executors of his father's will and carrying a series of cases to England on appeal to the privy council from the decisions of the provincial courts, finally losing all of them. (*Minute Book, Suffolk Superior Court*, 1730, 1733, pp. 190, 244, 246, 251, 306; *Suffolk Files*, 6114, 6713, 7415, 38964, 40223, 41914. 44055, 45841, 54160, 100101, 166854, fragments, 385.) In general, Waldo probably established a record for litigiousness in a period in which law suits were almost a popular diversion.

One of the perquisites which Waldo claimed was to be at the expense of widows or heirs of soldiers who had died in the service. Waldo demanded the accrued pay of the dead men as his own in case a will or letters of administration were not presented to prove a right to such sums.

[2] A calendar of the documents dealing with the settlement of the accounts of the proposed Canada expedition would be extensive. There are many documents in the *P. R. O.* and also among the public records for that period of the different colonies concerned in the expedition. A few of the more significant ones are: Newcastle to Shirley, May 30, 1747, *R. I. Col. Recs.*, vol. v, p. 229, extracts, *Sh. Cor.*, vol. i, pp. 386-388; Proclamation by Shirley and Knowles discharging the men, Oct. 28, 1747,

[*Note continued.*]
*Min. Prov. Cl. Pa.*, vol. v, p. 142; Shirley to governors of colonies concerned in the expedition, Oct. 29, 1747, *C. O.* 5 45, 48; Shirley and Knowles to Newcastle, Nov. 28, 1747, *C. O.* 5 901, 93; Shirley to Clinton, Dec. 19, 1747, *C. O.* 5 901, 172; Shirley to Newcastle, Dec. 28, 1747, *C. O.* 5 901, 230; Shirley to Bedford, Feb., 1748, extract, *Chalmers Mss., Canada, 1692-1792*, New York Public Library; Shirley to Bedford, July 2, 1748, *C. O.* 5 45, 119; Shirley to Bedford, January 10, 1749, *Sh. Cor.*, vol. i, pp. 460-461; "A state of the sums charged by Governor Clinton for his own extraordinary services and expenses, and other monies expended by him in carrying on the expedition against Canada, which have been disallowed," etc., *T* 1 327; "Account of expenses incurred during the war in his majesty's service in North America, on account of the intended expedition against Canada, and for other services arising therefrom and for the succour of Nova Scotia" (this gives the accounts of all the colonies which participated), *T* 1 328.

For the Waldo imbroglio, *cf.* Case of Samuel Waldo of Boston in New England, Mar. 4, 1748, Shirley to Newcastle and Pelham, 1747 (?), Shirley to Waldo, Oct. 31, 1746, all in *C. O.* 5 753; Shirley to Bedford, July 2, 1748, *C. O.* 5 45, 119; Shirley to Waldo, July 7, 1748 (extract) *T* 1 330, full letter in *Ar.*, vol. lxxiii, fols. 492-495, 498. *Cf.* also for documents on the differences between Shirley and Waldo, *Ar.*, vol. lxxiii, fols. 473-511. *Cf.* also, the 118 documents relating to the suit of Shirley *v.* Waldo in *Suffolk Files*, 65640.

# CHAPTER XIX

## The Harvest of the War

### Reimbursement for the Louisburg Expedition

The settlement of the charges for the unrealized Canada expedition offered Shirley no opportunity for large service. It was uninspiring work of the sort which well illustrates the ingratitude of governments and of peoples.

Apropos of the payment of the accounts for the Louisburg expedition, however, as the undertaking was more glorious in its circumstances, so also were the succeeding financial adjustments more prolific of opportunities for public benefit.

The news that the home government had assumed the charge for the relief of Nova Scotia by Massachusetts in 1744[1] naturally aroused expectations that the conquest of Cape Breton, which was so much more notable an exploit, would produce a like action at home.[2] Doubtless this expectation was partly responsible for the request by the Massachusetts general court to Shirley that he would, upon reaching Louisburg, "give orders that a full account of the proceedings of the New England forces rais'd under my commission for the reduction of Cape Breton during the

[1] This news was known to the assembly before they voted to support the Louisburg expedition. *Jour.*, Jan. 8, 1745, p. 165.

[2] For the action of the home government for reimbursing Massachusetts for her expenses in Nova Scotia in 1744, *cf. A. P. C.*, vol. iii, pp. 787, 788.

late siege of this place to the time of its surrender should be transmitted in the most effectual manner, and as soon as possible, to His Majesty." [1]

This prudent care that the deserts of the province should not be overlooked was necessary. The exploit appealed to the public imagination but to the British mind Brittania was the heroine of the campaign. As a corrective for this bias, a small group of Americans, writing from the colonial viewpoint, in the next few years made Cape Breton almost as familiar as Gibraltar to the British reading public. Not only did Shirley, while at Louisburg, collect information regarding the siege and send it to Newcastle in the form of a report,[2] which was after a time in print, but accounts by General Pepperrell, William Bollan and an anonymous author supposed to be Robert Auchmuty were also shortly published in London.[3] Therefore there was little excuse vouchsafed to the English government for ignoring the claims of Massachusetts in that connection.

Bollan, who was Shirley's son-in-law, and William Shirley, Jr., went to England at the end of summer, 1745; the former with an unofficial commission to inform the Duke of Newcastle of the state and circumstances of the northern colonies, and particularly regarding Louisburg and Nova Scotia, with which he was said to be thoroughly acquainted.[4] The latter was also said to be familiar with

[1] Shirley to Newcastle, Oct. 28, 1745, *Sh. Cor.*, vol. i, p. 273.

[2] Shirley to Newcastle, Oct. 28, 1745, *C. O.* 5 900, 245, printed only in part in *Sh. Cor.*, vol. i, pp. 273-279.

[3] *Cf.* Shirley, *A Letter to the Duke of Newcastle, op. cit.*; Pepperrell, *A Letter to Captain Henry Stafford with an accurate Journal and Account . . .* (Oxford, 1746); Bollan, *The Importance and Advantages of Cape Breton truly Stated and Impartially Considered* (London, 1746); Massachusettensis, *op. cit.*

[4] Shirley to Newcastle, Aug. 3, 1745, *C. O.* 5 900, 219. A few months later Shirley sent a letter introducing Bollan to Bedford, importing that

the details of the expedition.[1] Doubtless the functions of these agents were intended to be partly personal to the governor but Bollan apparently made his chief task for the time the soliciting of reimbursement for the province's expenses in taking and holding Louisburg.[2] In this task the assembly voted that he was to act with the cooperation of Kilby, the regular agent of the province, who, however, gave little aid.

Upon his arrival he found thrust upon his attention the fact that British self-esteem was strongly arrayed against him. Brittania not only ruled the waves but declined to rule otherwise, especially through the efforts of undisciplined colonials.[3]

part of his son-in-law's functions in England related to the admiralty jurisdiction and the enforcement of the acts of trade in America, concerning which he was able to report and advise. Shirley to Bedford, Oct. 31, 1745, *Ad.* I, 3817.

[1] Shirley to Newcastle, Aug. 3, 1745, *C. O.* 5 900, 220.

[2] *Jour.*, July 31, 1745, p. 92; Aug. 1, 1745, p. 94. His trip had been decided on before the assembly voted to employ him but perhaps with some understanding that he would be thus employed. James Otis later expressed the opinion that Bollan was primarily the representative of Shirley "and what is here called the Shirlean faction," made up of officeholders and high churchmen and including Thomas Hutchinson. Otis to Mauduit, Oct. 28, 1762, *Mass. H. S. Colls.*, vol. lxxiv, pp. 76-77.

[3] *The Gentleman's Magazine* (vol. xv, p. 386) contained a diverting plaint from Jeffery Broadbottom, "writer of Old England Journal," expressing deep concern that England seemed to have in this instance deserted the element where she was naturally supreme, and also displaying a troubled mind at the prospect that an act of Parliament bestowing captures upon those making them might be applied in this case. If that were done he foresaw that it might not be possible for England to facilitate the making of peace by offering the recent conquest to France as a propitiatory gift. His grief of spirit was doubtless assuaged by the astute and veracious author of the historical chronicle in the same publication who observed that his fears were apparently groundless since the act in question "relates only to captures made by private adventurers and Cape Breton was taken by His Majesty's fleet." Evi-

Upon reaching London, Bollan found the stage set for a wholly British play in which the Americans should be merely spear-bearers. It was to be heresy to consider the conquest as other than a naval one. As much was said "by a noble lord then in the ministry." So Bollan boldly accepted the alternative of being a heretic, as otherwise he could find no foundation for claiming that the Americans had served their country in such wise as to deserve consideration.

But the ear of the ministry was filled by the din of war abroad and of rebellion at home, and when approached upon the subject of reimbursing New England the proposal seemed as discordant as the other clamors. But Bollan with much perspicacity determined that if his suit must be unpleasant he would not stand in it alone, but, if possible, enlist on his side the great British public, usually inarticulate upon colonial questions. Therefore he and Kilby presented to Newcastle a petition that Shirley's letter of October 28, 1745, and the accompanying journal should be published by authority, so that the services of the New England troops

dently Warren's address in elbowing himself into the leading role at the capitulation was received very approvingly at home, and it was naturally pleasing to the chief of the admiralty, who consequently could not be deprived of the only honor available from the campaign. Since it was well-known that Britain's might upon the seas was her chief reliance such reasoning seemed convincing.

A further illustration of the prevalence of the natural English appreciation of their unsolicited victory was brought to Bollan's attention upon his landing, when the first British newspaper to meet his eye recorded "an address to His Majesty on the success of *his navy* in taking Cape-Breton, without making the least mention of the land forces employed on that occasion." Bollan to Willard, Apr. 23, 1752, *Mass. H. S. Colls.*, vol. i, pp. 53-54.

One expert, however, triumphed over all difficulties by suggesting that "The keeping therefore of Cape Breton, the improving of the fishery there . . . and in a word, pursuing our successes at sea, which is our proper element, is the only means we have of sustaining and increasing our own power . . ." *Gentleman's Magasine*, vol. xv, p. 428.

might become known to their country. With this request the duke after several months' solicitation complied.[1] Verbal compliance, however, was far from performance, which seemed as unlikely as in the case of the Canada expedition, and Bollan thereupon pressed more earnestly for what had been pledged.[2]

Although the duke ultimately redeemed his promise, before this point had been settled the main issue had been raised in such form as to demand all Bollan's attention. A petition from the province for reimbursement had been thrown into the ministerial hopper by June, 1746,[3] and then began a series of events which Bollan thought surprising.

Upon first presenting the matter to the privy council Bollan found them ready to agree that the province should be given "satisfaction" for their expenses, *etc.*, in connection with the expedition.[4] With the rise of Bedford's influence in the cabinet, however, there was an increasing tendency to reconsider the part which Massachusetts had played in that affair, so that after a delay until November for action, it transpired that the committee of council had advanced to the position that the province should receive "*some* satisfaction."[5]

Bollan took this in the sense in which it doubtless was intended, as a proffer of a not too gracious gratuity to the province. By great efforts he got the ear of the lord president of the council, who reluctantly took the matter up anew

[1] Presumably Bollan also considered that the publication in this wise of these accounts of the siege would tend to increase the prestige of Shirley.

[2] Bollan and Kilby to Newcastle, undated, *C. O.* 5 900, 254; Bollan to Willard, Apr. 23, 1752, *loc. cit.*, p. 54.

[3] *Ibid.*

[4] *Ar.*, vol. xx, fol. 369.

[5] Bollan to Willard, Nov. 15, 1746, *ibid.*, vol. xx, fols. 367-368.

with the chief ministers. They then demonstrated their serene disregard of impertinent suggestions by unanimously deciding that the report stood well. Unabashed, he rejoined that after waiting so long such action would leave the province worse off than as though nothing had been done, and that if a better report could not be secured he would go to Parliament without it. The committee of council, however, apparently remained determined to make a report to that effect up to the morning for presenting it, when Bollan declared that he would not agree to what was proposed whatever the consequences should be. Such presumption was hardly to be borne, but would be inconvenient to ignore in so clear a case, wherefore the report was made that the province should receive "reasonable satisfaction." [1]

Then followed a long series of conferences, explanations, arguments and memorials on Bollan's part in the effort to get, in sequence, a "reasonable" interpretation of this statement from the various executive and legislative bodies and functionaries concerned. First, it was referred to the board of trade and the secretary at war. The former after examining much data furnished by Bollan, calling in the ever-useful Warren to testify regarding expenses at Louisburg, and conscientiously searching into the peculiarities of provincial accounts, reported the facts as they found them but without recommendation, which they believed themselves unable to make in the absence of many of the vouchers. These, Bollan explained, had not been sent because they were very voluminous and subject to capture by the enemy. Nevertheless, the board was moved to testify to their opinion that the expedition had been conducted with great frugality, and that they were satisfied of the truth and accuracy of the accounts presented.[2]

[1] Bollan to Willard, Feb. 5, 1747, *ibid.*, vol. liii, fol. 213.

[2] *Ibid.*, vol. xx, fol. 369; Board to King, Apr. 7, 1747, *C. O.* 5 918, 176.

Thereupon the privy council, after prolonged inaction, referred the matter to the lords of the treasury.[1] To some underlings of the lords of the treasury was then delegated the task of examining anew the accounts and other data already reported upon by the board of trade and the secretary at war.[2] They, having been persuaded with difficulty to accept the position already taken by the board of trade, reported to the lords of the treasury.[3] However, the lords of the treasury were doubting Thomases. The first lord introduced the subject by appreciatively remarking that, since the province had undertaken the expedition without orders, any allowance made them for their expenses would be "bounty." Bollan repudiated the implication of mendicancy, and rejoined with respectful subtlety that if they had waited for orders the expedition could not have succeeded, that notice of it was promptly sent to the secretary of state, and that the approval of it by the king and his having accepted the fruits of it seemed a full equivalent for orders.[4] It was still necessary, however, to persuade their lordships, as it had been in the case of all servants of the crown who had previously considered the question, that the payment should be a sum equal to the value of the money which the province had paid when the expedition was financed, instead of to the value of an equal number of pounds of Massachusetts bills at the time of reimbursement, those bills having meanwhile sunk greatly in value.

The home government's attitude on this point showed the not surprising fact that they were scarcely less ready to

[1] Bollan to Willard, June 9, 1747, *Ar.*, vol. xx, fol. 392 and vol. liii, fol. 213a.

[2] Bollan to Willard, Apr. 23, 1752, *loc. cit.*

[3] Bollan to Willard, Nov. 5, 1747, *Ar.*, vol. xx, fols. 400-401.

[4] Bollan to Willard, Feb. 29, 1747, *ibid.*, fols. 411-413.

profit by the depreciation of the colonial bills of credit than was any other debtor.[1]

Bollan seems to have been told as early as December 4, 1747, that Parliament had voted to appropriate money for the reimbursement. This report he later stated to be premature. There was apparently no more than an informal understanding that the money would be voted.[2] Meanwhile, Massachusetts, relying upon his assurances, voted authority to Bollan to receive the sums granted on behalf of the province.[3]

While the question was before Parliament Bollan became more aggressive. Apparently to the equal surprise and disgust of the ministry he had the Massachusetts case printed and distributed to every member of the House of Commons. This, one noble lord said, was not usual.[4] Equally surprising was the subsequent agreement of the ministry that the province was *justly* entitled to reimbursement to the amount of £183,649:2:7½, sterling, the sum claimed by Bollan.[5]

There remained the task of getting a bill appropriating that sum through the House without any hearty support from the ministry, which Bollan accomplished by a personal canvass of members. He also defeated a proposal to make the payment piecemeal proportioned to the retirement of the bills of credit in Massachusetts.

Having gotten the grant through Parliament he found the

[1] For the attitude of the home government regarding the basis for computing the sum to be paid, *cf.* Bollan to Lords of the Treasury, Feb. 25, 1747, *Ar.*, vol. xx, fols. 414-418; Bollan to Willard, Feb. 29, 1747, *ibid.*, fols. 411-413; Bollan to Willard, Apr. 23, 1752, *loc. cit.*

[2] Willard to Greene, Mar. 5, 1748, *R. I. Col. Recs.*, vol. v, p. 212; Bollan to Willard, Dec. 10, 1747, *Ar.*, vol. xx, fol. 405; ditto to ditto, Jan. 1, 1748, *ibid.*, fol. 407.

[3] *Ibid.*, fol. 420.

[4] Bollan to Willard, Apr. 23, 1752, *loc. cit.*

[5] *Ibid.*

lords of the treasury very much disinclined to listen to requests for payment. After some months of waiting these prudent gentlemen offered to pay one-third of the grant down, and the remainder according to the desires of the governors of the colonies concerned upon the giving of security to account in the English court of exchequer for the sums paid. Apparently, under this arrangement, the grant could be disposed of by Massachusetts only in such ways as might be approved of by that court.[1]

Bollan then retorted in a memorial to the lords of the treasury that Parliament had granted the money without restriction and that Massachusetts was entitled to immediate payment without conditions in the same way that any other creditor of the nation might be. The lords of that eminent board now saw, as they had not seemed to do before, that the money was due at once and that their sole function was to pay it, which they stated they were ready to do. Finally, after several further delays, the payment was made to Bollan and Sir Peter Warren, who had been authorized to act with him on behalf of the province, and the only remaining question was the disposition of the grant.[2]

Upon being finally assured by a vote of the Commons in committee of the whole house that the Massachusetts claim would be paid Bollan wrote home by way of advice as follows:

[1] This peculiar proposal was doubtless partly due to the attitude of Kilby, agent for Massachusetts, who opposed payment without some supervision of the disposition of the money by the home government. (Bollan to Willard, Sept. 7, 1748, *Ar.*, vol. xx, fol. 435.) Kilby's attitude resulted in his prompt dismissal from his agency by the provincial government. *A. and R.*, vol. iii, p. 455.

[2] For the Parliamentary grant and the securing of it from the treasury, *cf. House of Commons Jour.*, vol. xxv, pp. 568-569, 614-615; Bollan to Willard, Apr. 23, 1752, *loc. cit.*; Apr. 2, 1748, *Ar.*, vol. xx, fols. 221-222; Sept. 7, 1748, *ibid.*, fol. 435; Sept. 21, 1748, *ibid.*, fol. 450; Bollan to Treasury, Sept. 29, 1748, *ibid.*, fol. 447; Davis, "Currency and Banking," *loc. cit.*, pp. 212-214, 218-229, 234-241.

In my humble opinion it will be for the honour and interest of the province to carry one point, viz., to have the money, when received, brought over into the province and exchanged so far as it will go for the bills of credit. What was said in Parliament as well as other considerations make it necessary for me to say this; and if it be agreeable to the sentiments of the province it may undoubtedly, I think, be attained; but upon this head I presume I shall certainly receive orders.[1]

That Bollan's insight into the official state of mind in England was good was shown by the suggestion of the board of trade to Shirley a few months later, that an opportunity for remedying in some measure the evils of paper money was furnished by the reimbursement granted by Parliament, "in the orders for the repayment of which, we hope, care will be taken to sink an adequate quantity of bills of credit. The effectual execution of these orders will much depend upon your care, integrity and circumspection." They therefore particularly recommended this service to him, "and that you would by all possible means discourage any new emissions of paper-bills . . . ."[2]

In view of the course of events attending this reimbursement, one is led to query whether it is not probable that one important reason why the ministry did not proceed with the Canada expedition proposed in 1746 was a fear that success in such an undertaking would be a basis for further drafts by America upon British gratitude, which (aside from the expenses which would have to be met) the ministry was not inclined to honor.

This train of events brought up with emphasis the issue which Shirley had strongly and sanely sought to carry to a solution before the French war: the reform of the Massa-

[1] Bollan to Willard, Apr. 2, 1748, *Ar.*, vol. xx, fols. 221-222.

[2] Board to Shirley, June 18, 1748, *C. O.* 5 918, 214.

chusetts currency. His removal in large measure of the chief motives for continuing a depreciated currency, by making it usually unprofitable for the debtor as well as the creditor,[1] and his proposal that the home government supply sound money for circulation in Massachusetts were both efforts in the direction which events were taking. With the grant from Parliament the reform movement was stimulated by the opportunity to combine the retirement of the greatly depreciated paper with the wiping out of the huge burden of taxation which had been piled up for the next few years. These motives, and apparently a desire to win the approval of the ministry while reimbursement was at issue, had sufficient strength to lead to the introduction and the passage through two readings of a bill to secure the application of the reimbursement money to the retirement of the bills of credit. This was done before definite news of the action of Parliament had been received.

At this point the assembly hesitated. In view of the apparent need for cooperation of the other New England governments in the matter, they voted to name commissioners to confer with representatives who might be named by those governments. The purpose was to secure a combined effort to retire all bills of credit in New England. This would also prevent, it was thought, the payment of the expenses for the Louisburg venture in English goods. A reimbursement of that character would probably be upon

[1] The machinery for securing equitable payment of debts had broken down in considerable degree during the stress of the war. After the law providing for this regulation expired, Mar. 31, 1747 (*A. and R.*, vol. ii, p. 1083), no law for the purpose existed for several months, and when in September, 1747, another law was passed to replace it, it differed substantially from its predecessor. It made allowance for changes in the cost of living as well as of exchange to London, thereby reducing the stability of business relationships in the effort to secure an adjustment of burdens to the capacity of the people to bear them. *A. and R.*, vol. iii, pp. 373-375.

terms more profitable to English merchants than to the colonies concerned, whereas the suggested solution would be profitable to both. It seemed desirable to act early to prevent the forming of plans in England inimical to the realization of the scheme. Shirley therefore at once wrote to all the other New England governors upon the matter.[1]

A few days after thus writing, the news (later contradicted) that Parliament had made the expected grant came in a letter from Bollan on December 10th,[2] and Secretary Willard promptly sent a letter voted by the general court to the other New England governors notifying them of this.[3] In this letter he referred to the fact that "there have been some proposals and endeavors, that the payment might be made by debentures," and added that "nothing seems so likely to prevent it, as applying the money granted to redeem and finish our fatal paper currency, so absolutely necessary to the establishment and preservation of justice in our commerce, and so much for the interest of Great Britain, as well as ourselves."

Continuing, he added: "This, we are sensible cannot be done effectually, without the meeting of the several assemblies, interested in this grant; it is therefore hoped that your honor will call your general court together as soon as may be," that commissioners might meet by the following April 12th. Prompt knowledge of the intent to apply the grant in that way, it was suggested, would prevent the payments being made by debentures, "or any dilatory methods of payment."[4] This effort for joint action, however, was

[1] Shirley to Wentworth, Feb. 29, 1748, *N. H. Pr. Ps.*, vol. v, p. 565.

[2] Bollan to Willard, *Ar.*, vol. xx, fol. 405.

[3] Willard to Wentworth, *N. H. Pr. Ps.*, vol. v, p. 566; Willard to Greene, *R. I. Col. Recs.*, vol. v, p. 212, *Sh. Cor.*, vol. i, pp. 382-383, both Mar. 5, 1748.

[4] *Ibid.*

not received favorably. Apparently the other colonies lacked either faith or desire.

While this was being done the Massachusetts assembly authorized Bollan to receive her share of the grant,[1] and there for the time the matter rested.

Bollan used the uncompleted action in Massachusetts as a basis for memorializing the lords of the treasury upon the need for reforming the paper currency of the province, which the government, he said, had determined upon but could not carry out until the promised reimbursement was made.[2]

Thus there had been created in both England and America a sentiment in favor of the retirement of the bills of credit by means of the money which Parliament would furnish, for the mutual benefit of colony and mother country.

Shirley did what the circumstances would allow to bring about the necessary act of the legislature for putting this scheme into effect. As a royal governor he could not expect to be fortunate in a direct appeal that they apply the Parliamentary grant as he might think wise, especially since he had lately been obliged to enter into a continuing con-

[1] *Jour.*, Mar. 5, 1748, p. 237; *Ar.*, vol. xx, fol. 420.

[2] Bollan to Lords of Treasury, June 15, 1748, *Ar.*, vol. xx, fols. 428-429. Shirley referred to this measure as "the bill transmitted to your agents, containing a scheme for sinking the whole paper currency of this province by means of the late reimbursement voted by Parliament and which pass'd both houses of the last assembly . . ." (Shirley to Legislature, Oct. 27, 1748, *A. and R.*, vol. iii, p. 455.) As this bill had not become a law the governor apparently referred somewhat ambiguously to passage through the first two readings and not to final passage. The board of trade seem to have been misled by this statement into supposing that the bill had become law. Bollan in explaining the affair to them, it seems, frankly stated the facts in regard to it, alleged that Shirley had made a mistaken statement, and implied that the governor presented the matter in that way to win support for the plan to retire the outstanding bills of credit. Davis, "Currency and Banking," *loc. cit.*, pp. 225-226.

troversy with the assembly to secure payment of his salary in a manner that would secure him from loss by the depreciation of the bills.[1] As usual he used the means that seemed most likely to succeed. Success, however, seemed as difficult in this instance as in that of the taking of Louisburg. Perhaps it was actually more so, but in this case Thomas Hutchinson proved a better co-worker in the undertaking than had appeared in the former case. Thomas Hutchinson, later royal governor of Massachusetts, was then the speaker of the house of representatives and a popular and influential member. He was also earnestly in favor of reforming the currency.

The governor, after referring to the reasons favoring the retirement of the bills of credit, later told the story of what followed simply and with generous praise of Hutchinson in the following words:

But I am persuaded these motives would not of themselves have prevail'd in the house of representatives, had not their present speaker, Mr. Hutchinson, in concert with whom alone this act was originally plann'd, and all measures previously settled, by his extraordinary abilities and uncommon influence with the members, managed and conducted it through the opposition and difficulties it long laboured under in passing the house; being almost the whole business of five weeks there.[2]

This act had been passed with the proviso that it should be valid in case the grant were paid by the end of March,

[1] *Cf. supra*, pp. 113-114.

[2] Shirley to Bedford, Jan. 31, 1749, *Sh. Cor.*, vol. i, p. 467.

For fuller information regarding the preparation and passage of this act, including Shirley's messages urging action, *cf. A. and R.*, vol. iii, pp. 454-457; Davis, "Currency and Banking," *loc. cit.*, pp. 214-216, 229-232.

For Hutchinson's own brief account of these events, *cf.* Hutchinson, *op. cit.*, vol. ii, pp. 390-395; *Diary and Letters of Thos. Hutchinson*, vol. i, pp. 53-54.

1750, and it was expected that it would in that case, in combination with a tax of £75,000, have the effect of retiring all the Massachusetts bills of credit then circulating in the province.[1]

As the lords of the treasury had promised immediate payment before this was passed, and the chief ostensible reason previously given for the delay had been the need for securing a satisfactory method of retiring the bills of credit, the arrival of this act in England early in the spring of 1749 was followed by its confirmation in the summer of that year, thus pledging the executive branch of the home government to the Massachusetts plan for utilizing the reimbursement fund.[2]

The expectation that all outstanding Massachusetts bills would be retired at once was not realized, however. Expenses in connection with the payment and transportation of the money to Massachusetts to some extent deranged financial plans already made, and delay in getting the news that payment had been made in England forced the assembly to extend the time allowed for the consummation of the reimbursement.[3]

Mr. Hutchinson has usually been given the chief credit for this great success. To him belongs a chief part in carrying the point at that time in the legislature. Shirley could not have secured the reform, in all probability, without his aid. On the other hand, if Shirley's previous efforts in the direction of currency reform and for creating a debt of the mother country to the province had not been taken,

[1] *A. and R.*, vol. iii, pp. 430-441. The act was passed Jan. 26, 1749.

[2] *A. P. C.*, vol. iv, pp. 85, *et seq.*

[3] On this phase of the matter, *cf. A. and R.*, vol. iii, pp. 480-481, Hutchinson, *op. cit.*, vol. ii, p. 395. For a full discussion of the events connected with the payment of the money and the transition to a hard money basis, *cf.* Davis, "Currency and Banking," *loc. cit.*, pp. 228-229, 233-252.

Hutchinson could not have supposed that the retirement of the bills lay within the bounds of possibility, much less have carried it to a successful issue.

With the retirement of the bills of public credit through the agency of the money reimbursed by the home government, a cycle in Massachusetts history and a distinct period in the life of Shirley were alike completed. The governor returned to England just as the arrangements for the reimbursement were brought to completion. After several years spent in other duties abroad, he returned to America to take up his governorship and the task of defending British interests there just as the last struggle between English and French for the control of the continent was about to commence. The record of these activities, widely diverse in environment and scope from those recounted above, cannot be included in this volume.[1]

[1] At a later time the writer hopes to present Mr. Shirley in his setting as commissary at Paris for the settlement of the Nova Scotia boundary, as governor and general in the early phases of the decisive struggle for Canada, and as governor of the Bahamas.

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3. *Council Records.* (Cited as *Cl. Recs.*) The manuscript executive and judicial records of the governor and council.
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